

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**FAO No. 8597 of 2015(O&M)**

**Date of decision: 13.9.2019**

Sat Narain

.....Appellant

VERSUS

Ramzan Shah and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Raman Chawla, Advocate for the appellant.

Mr. Vaibhav Goel, Advocate for  
Mr. V.P. Sangwan, Advocate for respondents.

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**REKHA MITTAL, J. (Oral)**

The injured is in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Bhiwani (in short 'the Tribunal') on account of injuries sustained in a motor vehicular accident that took place on 16.01.2014.

Counsel for the appellant would apprise the Court that an application has been filed under Order 41 Rule 27 read with Section 151 of the Code of Civil Procedure, 1908 seeking permission to place on record computation of medical bills as well as disability certificate. As per copy of the disability certificate dated 06.04.2016, disability has been assessed to the tune of 50%. The injured sustained injuries in Karnataka.

Counsel for the appellant has submitted that in case an opportunity is provided, he is willing to examine one of the members of the Medical Board to prove the disability certificate. He would further submit that the matter may be remitted to the Tribunal for re-assessment of

compensation on the basis of materials already on record and additional evidence to be adduced by the claimants in respect of disability.

Counsel for the respondents, on the contrary, would state that since the disability certificate has been issued in the year 2016 and claim application was decided in the year 2015, it is not a fit case for allowing any such concession to the claimant to place on record disability certificate or prove the same by examining one of the members of the Medical Board.

Be that as it may, the provision of the Motor Vehicles Act, 1988 (in short 'the Act') providing for compensation is a benevolent social legislation to make good the loss the victim or victim family has suffered in a motor vehicular accident. The injured got his disability assessed subsequent to passing of the award and as per the disability certificate, he has been found disable to the extent of 50%. The claimant is ready to examine one of the members of the Medical Board to prove disability and disability certificate. In the interest of substantial justice, it would be in the fitness of things if assessment made by the Tribunal is set aside and the matter is remitted to the Tribunal for making assessment afresh on the basis of materials already on record and additional evidence to be adduced by the claimants and evidence in rebuttal, if any, to be led by the respondents. Accordingly, findings of the Tribunal on issue No.2 are set aside and the matter is remitted to the Tribunal for deciding issue No.2 afresh in the aforesaid terms.

For the foregoing reasons, the appeal stands disposed of. The parties through their counsel are directed to appear before the Tribunal on 30.09.2019. The Tribunal shall decide issue No.2 within a period of 4 months of parties putting in appearance. In the meanwhile, the respondents shall not be entitle to recover compensation, if any, already

paid to the claimant. However, right of the claimant to adduce additional evidence would be restricted to the application for additional evidence filed before this Court.

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| <b>SEPTEMBER 13, 2019</b> |   | <b>(REKHA MITTAL)</b> |
| ‘D. Gulati’               |   | <b>JUDGE</b>          |
| Whether speaking/reasoned | : | yes/no                |
| Whether reportable        | : | yes/no                |