

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

222

FAO No.4837 of 2008 (O&M)

Date of decision: 08.01.2020

JAGPAL

... Appellant

Versus

SUMER SINGH AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. JC Malik, Advocate for the appellant.
Mr. Akash Sridhar, Advocate for
Mr. Ashwani Talwar, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 04.10.2006.

The Tribunal awarded Rs.3,70,000/-.

The appellant has filed an application for additional evidence seeking permission to produce medical bills subsequent to passing of the award in 2008 rather pertaining to the period 2011 and 2012.

Counsel for the insurance company has filed reply to the application for additional evidence in the Court and same is taken on record. He would argue that perusal of the bills does not indicate that it represents expenses incurred in connection with injuries sustained in the accident of 2006 and the same needs to be proved by the appellant, in accordance with law.

Counsel for the parties are *ad idem* that findings of the Tribunal with regard to assessment of compensation may be set aside and the matter be remitted to the Tribunal for assessment of compensation afresh on the basis of materials already on record and additional evidence to be adduced by the claimant in respect of future medical expenses and rebuttal evidence, if any, to be adduced by the insurance company.

In view of the above, the appeal stands disposed of. Assessment of compensation made by the Tribunal is set aside. The matter is remitted to the Tribunal for making assessment of compensation afresh on the basis of

materials already on record and additional evidence to be adduced by the claimant and evidence in rebuttal, if any, by the insurance company. Accordingly, application for additional evidence is also disposed of. The parties through their counsel are directed to appear before the Tribunal on 03.02.2020. The Tribunal shall complete assessment of compensation afresh within a period of three months of parties putting in appearance. In the meanwhile, the insurance company shall not be entitle to recover the amount of compensation already paid to the claimant.

08.01.2020

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No