

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

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FAO-2541-2016 (O&M)

Date of decision: 13.01.2020

KAVITA AGGARWAL & OTHERS

... Appellants

Versus

KAPIL HINGORANI AND ANOTHER

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amit Jain, Advocate
for the appellants.

Mr. Rajneesh Malhotra, Advocate
for insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Rajender Kumar Aggarwal in a motor vehicular accident that took place on 23.07.2012.

Counsel for the appellants would inform that income tax returns filed by the deceased are available. He would pray that appellants may be allowed an opportunity to produce and prove the income tax returns to facilitate determination of his income prior to unfortunate accident.

Counsel for the parties are ad idem that findings of the Tribunal on the question of 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 claimants in respect of income tax returns filed by the deceased and rebuttal evidence, if any, by the insurance company.

In view of the above, appeal stands disposed of. Findings of the Tribunal on the question of assessment of compensation are set aside and matter is remitted to the Tribunal for determination of compensation afresh on the basis of materials already on record and additional evidence to be adduced by the claimants qua income tax returns filed by the deceased and evidence in rebuttal, if any, by the insurance company. The parties through their counsel are directed to appear before the Tribunal on 10.02.2020. The

Tribunal shall decide the question of assessment of compensation within a period of three months of parties putting in appearance. In the meanwhile, the insurance company shall not recover compensation already paid to the claimants.

13.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No