

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

**FAO-1455-2017 (O&M)
Date of Decision : 31.08.2022**

Vandana Virmani and Others

....Appellants

VERSUS

Rahul Yadav and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kunal Dawar, Advocate, for the appellants.

Mr. Parvez Chug, Advocate for respondent Nos.1 and 2.

Mr. Rajesh Kumar Sharma, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

The present appeal has been preferred by the claimants against the award passed by the Motor Accident Claims Tribunal, Gurgaon seeking enhancement of the compensation as awarded by Tribunal.

Learned counsel for the appellants would contend that the income of the deceased was assessed as Rs.51,000/- per month. Learned counsel would further contend that the record pertaining to the income tax returns of the deceased has now been placed on the record along with an application for additional evidence being CM-1094-CII-2020. Reply to the application has been filed.

Keeping in view the fact that the record is pertaining to the Income Tax Department, I deem it appropriate to allow the application for additional evidence (CM-1094-CII-2020). Ordered accordingly.

However, keeping in view the fact that the record is voluminous, the matter is required to be remanded back to the Tribunal to return a finding on Issue No.2 afresh, in accordance with law.

The appeal is therefore allowed; the findings of the Tribunal on Issue No.2 are set aside and the matter is remanded back to the Tribunal to re-assess the compensation. Two effective opportunities shall be granted to the parties to lead their evidence in this regard. Parties shall appear before the Tribunal on **20.09.2022** at 10:00 AM.

Disposed off. Other pending applications, if any, also stand disposed off.

August 31, 2022
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No