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

**FAO No.1986 of 2017 (O&M)
Date of Decision: 29.11.2022**

Sandeep and another

..... Appellants

versus

Seema Devi and others

..... Respondents

FAO No.629 of 2018 (O&M)

Seema Devi and others

..... Appellants

versus

Sandeep Kumar and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Daryal, Advocate
for the appellants in FAO No.1986 of 2017 and
for respondents No.1 and 2 in FAO No.629 of 2018.

Mr. Wazir Singh, Advocate
for the appellants in FAO No.629 of 2018 and
for respondents No.1 to 6 in FAO No.1986 of 2017.

Mr. Ashwani Talwar, Advocate
for respondent No.7 in FAO No.1986 of 2017 and
for respondent No.3 in FAO No.629 of 2018.

Mr. Pawan Kumar Hooda, Advocate
for respondent No.8 in FAO No.1986 of 2017 and
for respondent No.4 in FAO No.629 of 2018.

None for respondent No.9 in FAO No.1986 of 2017 and
for respondent No.5 in FAO No.629 of 2018, despite service.

Mr. Punit Jain, Advocate
for respondent No.10 in FAO No.1986 of 2017 and
for respondent No.6 in FAO No.629 of 2018.

MANJARI NEHRU KAUL J. (Oral)

CM No.6716-CII of 2017 in FAO No.1986 of 2017

Application is allowed as prayed for.

FAO No.1986 of 2017 (O&M)
FAO No.629 of 2018 (O&M)

Both the appeals are being disposed of together as they arise out of the same award passed by the Motor Accident Claims Tribunal, Panipat.

Learned counsel for the appellants-owner and driver of the offending vehicle (in FAO No.1986 of 2017) submits that subsequent to the passing of the impugned award by the learned Motor Accident Claims Tribunal, Panipat, new evidence has come to the fore, which is required to be adduced as per the provisions of the Indian Evidence Act. Therefore, the case may be remanded back to the learned Tribunal for a fresh decision after giving due opportunity to the parties to lead evidence.

The said prayer has not been opposed by the learned counsel for the Insurance Company as well as by learned counsel for the claimants.

I have heard learned counsel for the parties and perused the relevant material on record.

In view of the submissions and prayer made by learned counsel for the appellants, which has not been opposed by learned counsel

for the respondents, the instant appeal bearing FAO No.1986 of 2017 as well as FAO No.629 of 2018 are disposed of and the award dated 12.01.2017 is set aside.

The matter is remanded back to the learned Tribunal, Panipat for deciding it afresh in accordance with law, after giving adequate opportunity to the parties to lead evidence in support of their case.

The parties are directed to appear before the Tribunal on 16.01.2023. The learned Tribunal, Panipat shall make earnest efforts to decide the claim petition expeditiously and preferably within a period of four months from the date of appearance of the parties before it, i.e., 16.01.2023.

Pending applications, if any, stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

29.11.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No