

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

FAO-335-2022 (O&M)
Date of Decision:-**07.07.2023**

RAJEEV KUMAR

... Appellant

Versus

RAM KUMAR AND ANR

... Respondents

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Naresh Kaushik, Advocate
for the appellant.

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KARAMJIT SINGH, J. (Oral)

1. Appellant has filed this appeal to assail the order dated 13.3.2020 passed by the Court of Commissioner under Employees Compensation Act, Panchkula (hereinafter to be referred as 'the Court below'), whereby the application for grant of compensation filed appellant/workman on account of the injury sustained by him during the course of his employment with respondent No.1-Ram Kumar was partly allowed and he was granted compensation worth Rs.25,143/-.
2. The counsel for the appellant submits that the compensation awarded to the appellant was not properly assessed by the Court below and the fact regarding 15% permanent month disability suffered by the appellant, which resulted in loss of earning capacity was not taken into consideration by the Court below. The counsel for the appellant

further submits that the entire compensation requires to be reassessed by taking into consideration the material aspects of the case. It is further submitted that at the time of the incident, the appellant was driving auto No.HR68-A-4936 owned by respondent No.1 and the said Auto was insured with respondent No.2 and the premium also covered the driver of the said vehicle. That however the Court below exonerated respondent No.2-Insurance Company without assigning any reasons. The counsel for the appellant further submits that copy of the concerned insurance policy is Annexure A-1, which the appellant intends to produce by way of additional evidence. The counsel for the appellants further submits that the matter be remanded back to the Court below as the same requires fresh adjudication.

3. I have considered the submissions made by the counsel for the appellant.
4. It appears that the evidence already led by the parties in the Court below requires reappraisal. Further the appellant intends to produce copy of the concerned insurance policy in order to show that the concerned insurance company is also jointly and severally liable to pay the amount of compensation.
5. In the light of the above, the present appeal is allowed and the impugned order dated 13.3.2020 is set aside and the case is remanded back to the Court below. The appellant is given liberty to file application for production of concerned insurance policy by way of additional evidence before the Court below and the same is to be decided as per law. Thereafter the Court below is directed to proceed

further in the matter and to decide the same afresh in accordance with law. The appellant is directed to appear in the Court below on 17.08.2023.

07.07.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No