

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**R-836****CM-23122-CII-2018 in/and
FAO No. 3952 of 2013 (O&M)
Date of Decision : 13.04.2023**

Dharmender Kumar

....Appellant

VERSUS

Karambir Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nandal Jindal, Advocate for the appellant.

None for respondent No.2.

Mr. Amrinder Singh Sidhu, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellant against the award dated 01.09.2011 passed by the Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as the 'Tribunal') whereby the claim petition filed by him was dismissed on the ground that the evidence had not been produced though it was claimed that the appellant had suffered 87% disability.

2. During the pendency of the present appeal, an application (CM-23122-CII-2018) has been filed for leading additional evidence i.e. OPD Card of the General Hospital, Sonapat, referral slip referring the claimant-appellant to AIIMS Hospital, New Delhi and the disability certificate issued by AIIMS Hospital, New Delhi certifying that the claimant-appellant is handicapped to the extent of 88.3%. Though the claimant-appellant has been remiss in not producing the said documents before the Tribunal, however, keeping in mind the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation, this Court deems it appropriate to allow the application

(CM-23122-CII-2018) for leading the above additional evidence and to remand the matter back to the Tribunal.

3. Accordingly, the matter is remanded back to the Motor Accident Claims Tribunal concerned for deciding the same afresh on merits. The Tribunal shall afford two effective opportunities to both the parties for leading their evidence. The parties shall appear before the Tribunal on 05.05.2023.

4. The appeal as well as the application (CM-23122-CII-2018) stand disposed off in the above terms. Pending applications, if any, also stand disposed off.

13.04.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO