

[101] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[1] FAO-351-2015(O&M)
Date of Decision :22.03.2023

United India Insurance Co. Ltd. ...Appellant

versus

Jatin Goyal and othersRespondents

[2] FAO-10630-2014

Jatin Goyal ...Appellant

versus

Ramesh and others ...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Paul S. Saini, Advocate with Mr. Vipul Sharma,
Advocate for the appellant.

Mr. Manmohan Singh, Advocate for the appellant
in FAO-10630-2014 and for the respondents
in FAO-351-2015.

B.S. Walia, J. (Oral)

CM-974-CII-2015 in FAO-351-2015

For the reasons as are mentioned in the application, the same is
allowed. Delay of 21 days' in late filing of the appeal is condoned.

Main Cases

[1] This order shall dispose of FAO-351-2015 & FAO-10630-
2014 as the same arise from the one and same Award passed by the learned
MACT, Hisar.

[2] Learned counsel for the parties are *ad idem* that assessment of
permanent disability and its effect on the actual earning capacity of the
claimant has not been carried out in accordance with the mandate stipulated

another', 2011(1) SCC 343, therefore, the matter be remanded to the learned MACT to consider and decide the actual permanent disability of the claimant in accordance with law and its effect on the actual earning capacity of the claimant, after giving the parties an opportunity to lead evidence in respect thereto.

[3] In view of the statement of learned counsel for the parties, the impugned award is *set aside*. Parties through their counsel are directed to put in appearance before the learned MACT, Hisar on 17.04.2023. Learned MACT is directed to consider afresh the total permanent disability of the claimant in accordance with law, as also its effect on the actual earning capacity of the claimant particularly by taking into account the nature of duties of the claimant as Operation Theatre Attendant and by giving the parties opportunity to lead evidence in respect thereto.

[4] Since the matter pertains to an accident of the year 2013, learned MACT, Hisar, is requested to consider and decide the same in accordance with law, as expeditiously as possible and in any case not later than six months from today.

[5] FAO No.351 of 2015 and FAO No.10630 of 2014 are disposed of in the aforesaid terms.

(B.S. Walia)
Judge

22.03.2023
'Rajneesh'

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