

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

373

**FAO No.6438 of 2017 (O&M)
Date of decision: 21.02.2023**

VISHAL DHAND

...APPELLANT

Vs.

MOTA SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Mukul Goyal, Advocate
for the appellant.

Service of respondents No.1 and 2 dispensed with
vide order dated 30.01.2019.

Mr. Lalit Garg, Advocate
for respondent No.3/Insurance Company.

RITU TAGORE, J (ORAL)

Heard.

The claimant-injured has moved an application under Section 151 CPC by which he wants to place on record the disability certificate and medical bills for the just and proper decision of the appeal. The counsel for the Insurance Company has raised the objection stating that the Insurance Company needs to examine the disability certificate and the medical bills and test the veracity of the documents. For that the Company needs to be given an opportunity to cross-examine the concerned witnesses if so examined by the claimants or be allowed to be summoned by the Insurance Company, if so desire.

The claimant had filed the petition under Section 166 of Motor Vehicles Act, 1988 for grant of compensation on account of the injuries leading to permanent disability suffered in the accident, in question. After the contest, the Tribunal had partly allowed the petition. Being dissatisfied with the same the claimant has preferred the instant appeal.

To the mind of this Court, the veracity of the documents which the appellant wants to place on record needs to be verified and for that both the parties need to be given adequate opportunity to lead the evidence touching the documents in question being material for arriving at just and fair decision of the petition. Therefore, the present appeal is remanded to the learned Tribunal Tarn Taran to the limited extent to re-evaluate the compensation after assessing the evidence as led by both the parties by giving them fair opportunity in this regard.

Both the parties are directed to appear before the learned Tribunal, Tarn Taran on 09.03.2023. The Tribunal is directed to re-evaluate the compensation within three months after giving opportunity to the respective parties to lead the evidence in question.

Accordingly, the present appeal is disposed of with the aforesaid direction and be put up as and when parties to appeal makes the request to open the appeal.

Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(RITU TAGORE)
JUDGE

21.02.2023
Poonam Sharma

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