IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.123

FAO-5902-2015 (O&M)
Date of Decision: 24.01.2024

RAMESHWAR NATH MOHAN THROUGH LEGAL REPRESENTATIVES

....Petitioner

Versus

MOHIT SHARMA AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Vipul Sharma, Advocate, for
Mr. Ashwani Arora, Advocate for the appellant.

Mr. Rajneesh Malhotra, Advocate,
for respondent No.3-Insurance Company.

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ARCHANA PURI, J. (Oral)

CM-4408-CII-2021

In consonance with the order dated 30.11.2023, reply filed by the Insurance Company has been traced by the Registry and has been placed on the Court file.

During the pendency of the main appeal i.e. FAO-5902-2015, filed by the injured-Rameshwar Nath Mohan, who had sustained injuries, in the motor vehicular accident, the said Rameshwar Nath Mohan, had died on 24.01.2021 and thereupon, the instant application i.e. CM-4408-CII-2021 had been filed for seeking permission to lead additional evidence, to establish the nexus between the injury and the death. In the application, it is submitted that Dr. Naveen Mittal, Consultant, Department of Orthopedician, GMCH, Sector-32, Chandigarh, is required to be summoned for the said purpose.

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Reply has also been filed to the instant application.

Learned counsel for the parties heard.

The present application for seeking permission to lead additional evidence, has been filed to establish the connectivity of the death of Rameshwar Nath Mohan, being the outcome of the injuries sustained by him, in the accident in question, which forms the basis of the main FAO.

In the given circumstances, the instant application is allowed.

Main case

In view of the above, since the question with regard to appraisal of the connectivity of the death of the appellant-Rameshwar Nath Mohan with the injuries sustained in the accident, which took place on 19.06.2011, is to be ascertained, the appeal, as such, is hereby disposed of. The case, as such, is remanded back to the successor Tribunal to decide afresh, with regard to the connectivity of the factum of the death of the appellant-Rameshwar Nath Mohan, with the injuries sustained in the accident in question and in case, the said fact is established, learned Tribunal shall reappraise afresh, *vis-a-vis* the assessment of the compensation.

Accordingly, the instant appeal stands disposed of.

(ARCHANA PURI)
JUDGE

24.01.2024
Himanshu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No

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