



FAO-7617-2015

-1-

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

(232-1)

FAO-7617-2015

Date of decision:- 25.02.2025

Dr. Raj Sharma @ Narain Sikhdar

... Appellant

Versus

Charan Singh @ Charane and others

... Respondents

(232-2)

FAO-7618-2015 (O&M)

Dev @ Debabrata Das

... Appellant

Versus

Charan Singh @ Charane and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sarvjit Singh Khurana, Advocate
for the appellant(s) in both cases.

Mr. Suresh Nain, Advocate for
Mr. Manjeet Singh, Advocate
for the respondent No.1 in both cases.

None for respondent No.2 in both cases.

Mr. V. Ramswaroop, Advocate
for respondent No.3 in both cases.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose off both the above noted appeals as they have been filed by the injured-claimants assailing a common award dated 03.09.2015 passed by the Motor Accident Claims Tribunal (for short “the

**FAO-7617-2015****-2-**

Tribunal”), Rewari, whereby both the claim petitions have been dismissed. For the sake convenience, factual position is being taken from FAO-7617-2015 titled as “*Dr. Raj Sharma @ Narain Sikhdar Versus Charan Singh @ Charane and others*”.

2. Factual position leading to the filing of the appeal is that on 09.01.2013, both the claimant-appellants were travelling on a motorcycle and when they reached village Mohanpur Bus Stand, a tractor came from the opposite side and struck against the motorcycle. Both the motorcycle riders fell on the road and sustained multiple injuries. They were shifted to a private hospital, where they underwent treatment. FIR bearing No.07 dated 11.01.2013 was lodged under Sections 279 and 337, IPC at Police Station Bawal at the instance of Dev @ Debabrata Das, injured (appellant in FAO-7618-2015). Two separate petitions for compensation were filed under Section 166 of the Motor Vehicles Act, 1988, which were contested by the respondents, and after consolidation, dismissed by a common judgment, which has been assailed herein.

3. Counsel for the appellant has contended that the Tribunal has rejected the claim petitions on the ground that the registration number of the offending vehicle mentioned in the FIR was different from the registration number given in the claim petitions. Counsel asserts that in order to clear the ambiguity, the claimant had filed an application dated 15.05.2015 for leading additional evidence and he wanted to produce the charge-sheet, sapurdari application, release order and other documents from the criminal trial to show that the details of the offending vehicle were correctly mentioned in the claim petitions. He asserts that the Insurance Company contested this application by filing a



FAO-7617-2015

-3-

reply, however, it remained undecided and the claim petitions were dismissed.

4. Counsel for the respondent(s) have not been able to dispute the assertion, however, they submit that the application is deemed to have been rejected.

5. I have heard counsel for the parties and considered their respective submission as well as examined the record requisitioned from the Tribunal.

6. Perusal of the interim orders passed by the Tribunal show that an application for additional evidence was filed by the claimants. Its copy was supplied to the respondents on 15.05.2015 and on 20.05.2015, reply was filed, but the application was deferred for consideration. A reading of the subsequent orders till the decision of the claim petitions show that the application was repeatedly adjourned for consideration. On 27.08.2015, the Tribunal recorded that no rebuttal has been sought to be led and arguments have been heard. On the subsequent date of hearing, that is, 03.09.2015, claim petitions were dismissed and a detailed award was passed. It is evident from the examination of the interim orders passed by the Tribunal that the application for additional evidence remained undetermined.

7. While deciding the claim petition, the Tribunal has failed to take notice of the pending application and to decide whether additional evidence can be permitted to be adduced. Tribunal ought to have passed an order in respect of the application, either allowing it or rejecting it. As the application has not been determined, it cannot be deemed to have been dismissed. Non-consideration of the application has led to miscarriage of justice and this Court has no alternative, but to set aside the award passed by the Tribunal and remit



FAO-7617-2015

-4-

the matter for adjudication afresh along with application for permission to produce additional evidence.

8. For the afore-going reasons, impugned award dated 03.09.2015 passed by the Tribunal is set aside and the matter is remanded to the Tribunal to decide the claim petitions afresh. At the first instance, the Tribunal would adjudicate the application for additional evidence filed by the claimants before deciding the claim petitions on merits.

9. Both the appeals are disposed off.

10. Parties are directed to appear before the Tribunal on 22.04.2025, at 10:00 A.M., for further proceedings in accordance with law.

11. It is clarified that this Court has not gone into the merits of the claims nor examined the application for adducing additional evidence, which shall be decided by the Tribunal in accordance with law.

12. Pending application shall stands disposed off.

(SUVIR SEHGAL)
JUDGE

25.02.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No