



505

FAO-2354-2011 (O&M)

Jagdeep Singh and another Vs. Balwinder and others

Present:- Mr.Gaurav, Advocate for Mr.P.S.Sekhon, Advocate for the appellants.

Mr.Lalit Garg, Advocate for the respondent-Insurance Company.

This appeal has been filed by claimants challenging award dated 01.12.2010 of the claims Tribunal whereby claim petition filed by the claimants was dismissed.

Initially, respondents No.1 and 2 driver and owner of the offending vehicle were proceeded against *ex parte* and *ex parte* award was passed on 01.11.2008. On application of respondent No.2, the said *ex parte* award was set aside and respondent No.3-Insurance Company was added. During trial, three witnesses, whose affidavits had been tendered in *ex parte* evidence by the claimants, were produced for cross examination by the respondents. However, claims Tribunal observed that neither fresh affidavits of the said witnesses were tendered and so there is no examination-in-chief of the said witnesses nor the documents tendered in *ex parte* evidence were tendered again. Thus, the Tribunal holding that there was no evidence to prove issues No.1 and 2, dismissed the claim petition.

Counsel for the parties are agreed that this case has to be remanded to the Tribunal for fresh decision on merits after considering

2026:PHHC:079717



FAO-2354-2011 (O&M)

-2-

the entire evidence which is already on record including affidavits of examination-in-chief of three witnesses tendered by the claimants in *ex parte* evidence alongwith the documents which were tendered at that stage.

On the asking of the Bench of Lok Adalat, counsel for the respondent-Insurance Company has no objection for remand of the case.

Accordingly, impugned award dated 01.12.2010 of the Claims Tribunal is set aside and the case is remanded to the Tribunal for fresh decision on merits by considering the evidence as mentioned herein-above. Parties are directed to appear before the Claims Tribunal on 07.07.2026.

(JASBIR SINGH)
PRESIDENT

(L.N.MITTAL)
MEMBER

20.05.2026
Meenu