



FAO-541-2013 (O&M)

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

104+202

**FAO-541-2013 (O&M)
Date of Decision: 30.01.2026**

UNITED INDIA INSURANCE CO LTD.**....Appellant**

Versus

REKHA & ORS**...Respondents****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Paul S. Saini, Advocate
Mr. Vipul Sharma, Advocate and
Ms. Simran Sharma, Advocate for the appellant.

Mr. Sandeep Wadhawan, Advocate and
Mr. Gurjot Singh, Advocate for applicant/respondent No.5.

SUDEEPTI SHARMA, J. (Oral)**CM-21143-CII-2025**

Present application has been filed by respondent No.5 for adducing additional evidence.

Vide this application, he has placed on record all the documents to show that at the time of accident, the driver of offending vehicle was having effective and valid driving licence, he therefore prays that the application for additional evidence be allowed and he be allowed to place on record the additional evidence.

Learned counsel for the respondent No.5 contends that vide order dated 04.03.2025, passed by this Court liberty was granted to the parties to adduce additional evidence and though the additional evidence was produced by respondent No.5 before the learned Tribunal but it was not entertained on the ground that this Court has specifically directed the

Tribunal vide order dated 04.03.2025 to submit a report regarding the weight of offending vehicle.

Per contra, learned counsel for the appellant contends that as per the report the offending vehicle was not below 7500 kg. Therefore, the present appeal be allowed.

I have heard learned counsel for the parties and perused the whole record of this case with their able assistance. It would be apposite to reproduce order dated 04.03.2025. The same is reproduced as under:-

“By making a reference to the Registration Certificate, Ex.R-2, counsel for the appellant-Insurance Company has contended that the gross vehicle weight of the offending truck was more than 7,500 kg. He asserts that the driver of the vehicle was holding a Light Motor Vehicle license and was not authorised to drive a commercial vehicle with a weight of more than 7,500 kg. Placing reliance upon the judgment of the Supreme Court in M/s Bajaj Alliance General Insurance Co. Ltd. Versus Rambha Devi and others, 2025 (1) RCR (Civil) 5, he contends that the Tribunal has erred in fastening the liability of the compensation upon the appellant, whereas it should have been granted the recovery rights.

Counsel for the respondent No.5-owner of the offending vehicle, has disputed the document relied upon by the appellant and contends that its weight was less than 7,500 kg.

As there is a dispute about the factual position, paper-book along with xerox copy of the record be sent to the Tribunal and a report be called for.

Liberty is given to the parties to adduce any additional evidence that they intend to rely upon before the Tribunal.

Report be awaited for 08.08.2025. ”

A perusal of above referred to order shows that this Court sent the copy of the record to the Tribunal and called for report. Liberty was granted to the parties to adduce any additional evidence that they intend to rely upon before the Tribunal.

In view of the above referred to order the present application is allowed and additional evidence are taken on record.

Main Case

Since respondent No.5 has placed on record additional evidence it would be appropriate if the matter is referred to learned Tribunal to examine the additional evidence produced by respondent No.5.

In view of the above, the present appeal is remanded to the learned Tribunal. Learned Tribunal is directed to grant two effective opportunities to all the parties to lead their evidence (chief-examination and cross-examination) and decide issue No.3 afresh after taking into consideration the additional evidence produced by respondent No.5 and report sent to this Court in response to order dated 04.03.2025 passed by this Court.

In view of the same, the application of placing on record additional evidence as well as main case is disposed of.

Ordered accordingly.

(SUDEEPTI SHARMA)
JUDGE

30.01.2026
mahima

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