



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

**268**

**FAO-7252-2018 (O&M)**

**Date of Decision : 18.03.2025**

KAMINI & OTHERS

.... Appellants

VERSUS

SHRI KRISHAN SALUJA & OTHERS

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Ashwani Arora, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate for respondent No.2.

**ALKA SARIN, J. (ORAL)**

1. The present appeal has been preferred by the claimant-appellants aggrieved by the award passed by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal') dated 22.05.2017 whereby their claim petition was dismissed on the ground that no post-mortem was conducted after the accident to ascertain the cause of death of the deceased.

2. During the pendency of the present appeal an application being CM-8122-CII-2020 has been filed by the claimant-appellants under Order 41 Rule 27 CPC for permission to lead additional evidence. The additional evidence now sought to be led is copy of the order dated 21.08.2019 passed by the District Consumer Disputes Redressal, U.T. Chandigarh. The deceased, in the present case, was enrolled as an Advocate with the Bar Council of Punjab and Haryana High Court, Chandigarh. The Bar Council

was stated to have purchased a group personal accident policy from United India Insurance Company Ltd. Vide order dated 21.08.2019 the Insurance Company, namely, United India Insurance Company Ltd. was directed to pay the sum assured.

3. Learned counsel for the claimant-appellants states that no appeal has been filed challenging the said order dated 21.08.2019. It is further the contention that during the pendency of the said application, the matter was verified by the United India Insurance Company Ltd.

4. Learned counsel for respondent No.2 would contend that since verification was done by the United India Insurance Company Ltd. and not by the New India Assurance Company Ltd. (respondent No.2 herein), the matter would be required to be remanded back to the Tribunal concerned for a decision afresh after leading evidence in accordance with the law.

5. Heard.

6. In view of the fact that before the District Consumer Disputes Redressal, U.T. Chandigarh, the United India Insurance Company Ltd. had verified the factum of the accident and the said Insurance Company was directed to pay the assured sum vide order dated 21.08.2019, which order has not been challenged till date, the same would be a vital piece of evidence to be considered by the Tribunal concerned.

7. In view of the above, the present appeal is allowed and the impugned award is set aside. The matter is remanded back to the successor Tribunal concerned for decision afresh, in accordance with law, after granting two effective opportunities to both the parties to lead their

evidence. The parties to appear before the Tribunal concerned on 08.04.2025 at 10:00 am.

8. Pending applications, if any, also stand disposed off.

**18.03.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*