



Case No. MAC Appeal No. 08 of 2011

Serial No.	Date	Orders (s) with Signature (s)
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05.	26.04.2012	<p style="text-align: center;"><b>BEFORE</b> <b>HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE</b></p> <p>Present : Mr. N. Rai, Senior Advocate with Mr. Jiwan Kharga and Ms. Jyoti Kharka, Advocates for the appellant.</p> <p>Mr. K. T. Bhutia, Senior Advocate with Mr. Bhupendra Giri, Advocate for the respondent no.2.</p> <p style="text-align: center;">***</p> <p>Heard.</p> <p>Mr. K. T. Bhutia, learned Senior Advocate appearing on behalf of the respondent No.2, submits that he has no objection to the application for amendment filed on behalf of the appellant. Under such circumstances, the application stands allowed.</p> <p>Considering the fact that a large number of disputed questions have now arisen that may require adducing evidence, it would be in the interest of justice if the matter is remanded to the learned Motor Accident Claims Tribunal, East and North Sikkim at Gangtok, for consideration. That apart, it is also found that at the time when the impugned judgment was passed by the learned Claims Tribunal, the report of the Motor Vehicles Inspector was not available, which is now filed with the memo of appeal. In my view, as this document involves an important aspect for consideration by the learned</p>



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Claims Tribunal, having direct bearing on the outcome of the case, it would be appropriate for this reason also for the matter being remanded.

The appellant shall file the amended claim petition before the learned Motor Accident Claims Tribunal, to which the respondents shall be permitted to file replies, if so advised. It shall also be open for the parties to raise all questions as regards the matter *in lis* before the learned Claims Tribunal and the learned Claims Tribunal may consider the case *de novo*. However, it shall be ensured that the case is disposed of within three months and not later than that.

The M.A.C. Appeal accordingly stands disposed of.

Records of the trial Court be sent back forthwith.

  
Judge  
26.04.2012

Index : ☒ Yes / ☒ No  
Internet : ☒ Yes / ☒ No

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