

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

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FAO No.4393 of 2013 (O&M)

Date of decision: 30th August, 2016

Mam Chand

...Appellant

Versus

Sanjay and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. J.P.Sharma, Advocate,
for the appellant.

Mr. Mukesh Yadav, Advocate
for respondent Nos.1 and 2.

Mr. R.K.Bashamboo, Advocate,
for respondent No.3.

REKHA MITTAL, J (ORAL)

The present appeal is directed against the award dated 19.12.2012, passed by the learned Motor Accident Claims Tribunal, Narnaul, whereby compensation to the tune of Rs.5,26,285/- as a consolidated sum in respect of injuries sustained by the appellant has been awarded.

Counsel for the appellant has submitted that the appellant proved documentary evidence with regard to medical expenses to the tune of Rs.4,69,285/- and the fact that he remained hospitalized for a period of two months, had undergone surgery and suffered disability to the extent of 37% as per disability certificate Ex.PW13/A. It is further submitted that the learned Tribunal in a most casual and perfunctory manner disposed of the claim petition without awarding compensation under different heads i.e. loss of income during the period of treatment, future loss of income due to disability, compensation for pain and suffering, loss of amenities of life, services of an attendant, transportation etc. It is prayed that award passed by the Tribunal may be set aside and the matter be remitted to the Court below

for re-consideration and assessment of compensation under different heads.

Counsel for the respondents have got no objection.

In view of the above, the appeal is allowed. The award only qua assessment of compensation in regard to injuries sustained by the appellant is set aside and the matter is remitted to the learned Tribunal for assessment of compensation under different heads on the basis of materials on record by taking into consideration the precedent on the issue particularly the principles/guidelines laid down by the Apex Court in Raj Kumar versus Ajay Kumar and others 2011 (1) SCC 343. The Tribunal is directed to dispose of the matter within a period of two months from the date the parties put in appearance. The parties through their counsel are directed to appear before the learned Tribunal on 29.09.2016. A copy of this order be sent to the District Judge where Sh.Naresh Kumar, the then Motor Accident Claims Tribunal, Narnaul, is working at present.

(REKHA MITTAL)
JUDGE

30th August, 2016
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