

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

**FAO No.488 of 2013 (O&M)
Decided on: 03.08.2016**

ICICI Lombard General Insurance Company Limited

....Appellant

Versus

Manoj Kumar and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Sanjeev Goyal, Advocate
for the appellant.

Mr. Ravinder S. Budhwar, Advocate
for respondent No.1.

Mr. Krishan Singh, Advocate
for respondents No.2 and 3.

REKHA MITTAL, J. (Oral)

A copy of disability certificate dated 09.07.2014 produced
in the Court is taken on record.

As per the said certificate, the board has affirmed its
findings with regard to permanent disability to the extent of 90% and
the condition is stated to be 'not likely to improve'.

The learned Tribunal, by taking into consideration
permanent disability to the extent of 90% has assessed loss of earning
capacity to the extent of 70%. However, counsel for the
claimant/respondent No.1 has fairly informed that Dr. Anuj Mangla –
PW11 was examined but his statement does not indicate anything about
loss of earning capacity due to disability suffered by
claimant/respondent No.1.

Counsel for the parties are *ad idem* that findings recorded

by the Tribunal on Issue No.3 qua compensation for further medical expenses (Physiotherapy) and loss of future earnings on account of permanent disability may be set-aside and the matter may be remitted to the Tribunal for fresh decision on these two heads after permitting the parties to adduce additional evidence, if any.

In view of the above, the appeal stands disposed of, the matter is remitted to the Tribunal for fresh adjudication in the aforesaid terms.

Till the decision by the Tribunal with regard to entitlement of the victim to get compensation under these two heads, the parties shall maintain *status quo* with regard to disbursement of compensation already made.

03.08.2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No