IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4039 of 2001 (O&M)
Date of Decision:- 20.11.2017

Nasib Kaur & Ors. ....Appellants

Versus

Manjit Singh & Ors. ...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Anil Malhotra, Advocate, for the appellants.

Mr. Paul S. Saini, Advocate, for respondent No. 4.

AVNEESH JHINGAN, J. (Oral)

The present appeal is for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Amritsar (for short, 'the Tribunal').

The record of this appeal was burnt and from the salvaged record of the partially burnt case, the same was reconstructed subject to all just exceptions and further verification.

Paramjit Singh, aged 45 years, who was working as LIC agent, lost his life in a motor vehicular accident, which had occurred on 03.08.1996 while he was driving jeep bearing registration No. PB-07-C-8640.

The legal heirs of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'). The Tribunal awarded a sum of ₹7,20,000/- along with interest @12% per annum.

Aggrieved of the said award the present appeal has been filed.

Learned counsel for the appellants argues that the deceased was LIC agent and Forms – 16(A) issued for tax deduction at source under Section 206 of the Income Tax Act, 1961, were placed on record. As per the said forms, the deceased was receiving more than ₹2,25,000/- as his commission from LIC during the assessment year 1995-96. The Form-16 (A) for the year 1996-97 was also exhibited before the Tribunal as Exhibits A/5 and A/6. The Tribunal ignoring the said documents assumed the income of the deceased as ₹7,000/- per month. His further grievance is that no future prospects have been awarded.

Learned counsel for the insurance company argues that only Form-16(A) had been placed on record and no ITR was produced and therefore, the Tribunal was right in assuming the income of the deceased as ₹7,000/- per month.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the compensation to be awarded by taking into consideration the effect of Form – 16(A), which are on record. Parties would be at liberty to produce any fresh material, if so required, in support of their respective cases. The issue of quantum of compensation would be decided afresh in accordance with law.

The amount already paid to the claimants would not be effected by the said remand proceedings.

Accordingly, parties are directed to appear before the Tribunal on 22.12.2017.

With the above observation, the present appeal is disposed of.

November 20, 2017 **(AVNEESH JHINGAN)**
tripti **JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No