

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

FAO No. 4994 of 2003 (O&M)

Date of Decision:- 14.12.2017

Harsh Nandwani

....Appellant

Versus

Lajpat Mandiratta & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. D.R. Bansal, Advocate, for the appellant.

Mr. Suvir Dewan, Advocate, for respondent No.4

AVNEESH JHINGAN, J. (Oral)

Present appeal has been filed against the award dated 14.05.2003 passed by Motor Accident Claims Tribunal, Gurgaon (for short, 'the Tribunal').

In a motor vehicular accident that occurred on 09.06.2000 Harsh Nandwani, aged 29 years suffered injuries and J.P. Mendiratta, lost his life. Harsh Nandwani was driving a scooter bearing registration No.DL-2SC-2253 and J.P. Mendiratta was driving a scooter bearing registration No. DND-1108. The two scooters struck with each other on a dividing road of Section 17 and 18, Gurgaon. FIR No. 179, dated 09.06.2000 was registered at Police Station Udyog Vihar Gurgaon.

In the present appeal there is no dispute with regard to rash and negligent driving of scooter bearing registration No. DND-1108 (for short, 'the offending vehicle').

I have heard learned counsel for the parties; perused the paper

book and the relevant documents produced by the learned counsel.

Learned counsel for the appellant argued that there was follow up treatment even after the passing of the award. There were complications and infection, he argued that the appellant was not in a position to carry on his business for the next three years and the same remained closed. He accordingly seeks an opportunity to prove the said happening which are post passing of the award. He argued that functional disability was much more than 25% qua limb.

Learned counsel for the insurance company argued that if any such opportunity is to be awarded to the appellant, they should be given an opportunity to defend or rebut the evidence produced.

Without expressing any opinion on the merits of the case, the matter is disposed of by remitting the matter back to the Tribunal for deciding the issue of quantum of compensation afresh in accordance with law.

The parties would be at liberty to adduce fresh evidence in support of their cases.

Parties are directed to appear before the Tribunal on 18.01.2018.

December 14, 2017
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(AVNEESH JHINGAN)
JUDGE

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