

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

**FAO No. 6168 of 2010 (O&M)
Date of Decision:- 12.12.2017**

Pappu Kumar

.... Appellant

Versus

Ram Tirath & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Abhimanyu Kalsy, Advocate, for
Mr. Rakesh Dhiman, Advocate, for the appellant.

Mr. Vinod Chaudhari, Advocate, for respondent No.3.

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 20.08.2009, passed by Motor Accident Claims Tribunal, Gurgaon (for short,'the Tribunal').

An accident occurred on 25.10.2007. Pappu Kumar was a pillion rider on a motor-cycle bearing registration No. DL-3-SAL-5746. The said motor-cycle was struck by a rashly and negligently driven truck bearing registration No. UP-74-A-8535. As a result of the accident Pappu Kumar suffered grievous injuries and there was permanent disability. The Tribunal awarded a sum of Rs.3,75,000/- along with interest @6% per annum.

The present appeal has been filed for enhancement of compensation.

The grievance of learned counsel for the appellant is that the

disability certificate, Mark 'B' produced before the Tribunal has not been considered. He further prays that an opportunity be granted for deposition of the doctor in support of the said certificate.

Learned counsel for the insurance company argued that if such an opportunity is granted to the appellant, he should also be given an opportunity to rebut the said claim.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue of quantum of compensation.

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

Parties are directed to appear before the Tribunal on 18.01.2018.

In view the above, the present appeal is disposed of.

December 12, 2017
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(AVNEESH JHINGAN)
JUDGE

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