

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

FAO-1208-2012  
Date of decision: 26.09.2017

Dimple and another

.... Appellants

Versus

Geru Ram and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr.Ashwani Arora, Advocate  
for the appellants.

Mr.Suvir Dewan, Advocate  
for the Insurance Company.

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**Avneesh Jhingan, J.**

The present appeal is filed against the award dated 26.09.2011 passed by Motor Accidents Claims Tribunal, Ropar (hereinafter referred to as the 'Tribunal').

Unfortunately, Sanjiv Kumar, aged 35 years, lost his life in an accident on 15.09.2009. He was a pillion rider on scooter bearing registration No.CH-03-Q-7306. The scooter was struck by a tanker bearing registration No.HP-34-B-5252. As a result of the impact, Sanjiv Kumar fell down on the pucca road and was crushed under the rear tyre of the tanker, he died on the spot.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by widow, minor daughter and the father of deceased.

The Tribunal assessed the income of the deceased at Rs.2 lakhs per annum and awarded an amount of Rs.20 lakhs along with interest of 9% per annum.

I have heard learned counsel for the parties and perused the paperbook with their able assistance.

The only bone of contention in the proceedings is income of the deceased.

Learned counsel for the appellant has argued that the deceased was working with Alembic Limited, Baddi and his annual package certificate was produced before the Tribunal. According to which his earning was Rs.3,90,000/-. Sh. Parlad Kumar Sharma Manager of Alembic Limited Baddi deposed before the Tribunal to prove the package certificate. The grievance is that inspite of all this, the Tribunal has assessed the income as Rs.2 lakhs per annum.

Learned counsel for both the parties have raised no serious objection, if the matter is remanded back to the Tribunal for determining the issue of income of the deceased.

The matter is remitted back to the Tribunal to decide the issue of income of the deceased and to award compensation accordingly.

The Tribunal will provide three effective opportunities to both the parties to support their case. Since the accident is of the year 2009, it would be desirable if Tribunal decide the petition expeditiously.

Both the parties shall appear before the Tribunal on 27.10.2017.

The appeal stands disposed of.

**(AVNEESH JHINGAN)**  
**JUDGE**

**26.09.2017**

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Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : No