

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

FAO No. 1387 of 2012 (O&M)

Date of Decision:- 12.12.2017

Sanjay Paswan

.... Appellant

Versus

Rajinder Singh & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Ms. Sumati Jund, Advocate, for
Mr. Tribhawan Singla, Advocate, for the appellant.

Mr. Anand Vardhan Khanna, Advocate, for
Mr. Amaninder Preet, Advocate, for respondent No.1.

Mr. Rohit Goswami, Advocate, for respondent No.3.

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 02.05.2011, passed by Motor Accident Claims Tribunal, Barnala (for short,'the Tribunal').

In an accident that occurred on 07.06.2010, Sanjay Paswan, aged 30 years suffered grievous injuries. In the said accident eicher canter bearing registration No. RJ-31-GA-1339 was the offending vehicle. FIR No. 29 dated 07.06.2010 was registered at Police Station, Cantt. Bathinda.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short,'the Act'), the Tribunal has awarded a sum of Rs.1,17,800/- along with interest @8% per annum.

I have heard learned counsel for the parties, perused the paper-book and the record.

Learned counsel for appellant has argued that there is 50% permanent disability qua both the legs and the certificate to this effect could not be produced before the Tribunal as the same was issued later in time. Her contention is that compensation should be awarded after considering the said certificate.

Learned counsel for the respondents has argued that their case would be prejudiced if the said certificate is accepted as it is being produced in the appeal proceedings. Their contention is that they should be provided an opportunity to rebut the certificate or to support their case by adducing fresh evidence if so required.

In the facts of the present case, without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue of compensation afresh after considering the disability certificate or any other fresh evidence adduced by the parties. It is clarified that the amount already awarded would be subject to the decision of the remand proceedings.

Appellant and insurance company 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