

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

FAO No.6031 of 2011

Date of Decision:15.12.2017

New India Assurance Co. Ltd.

... Appellant

Vs.

Charanjit Kaur and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. V. Ramswaroop, Advocate for the appellant.

Mr. Rajbir Singh, Advocate for the respondents.

AVNEESH JHINGAN J. (Oral)

The present appeal has been filed against award dated 01.06.2011 passed by the Motor Accident Claims Tribunal, Sangrur (for short "the Tribunal").

Issue raised in the present appeal is that the claimants have got the claim under Workmen's Compensation Act as well as under the Motor Vehicles Act, 1988.

Bholla Singh was driving truck bearing No.PB-11B-7098 on 22.07.2006. His truck was hit by unknown Tempo. As a result of which, he sustained multiple injuries. He died on 21.05.2007.

The claim petition under Section 163-A of Motor Vehicles Act, 1988 (for short "the Act") was filed claiming the medical expenses only. The Tribunal awarded a sum of Rs.4,38,579/- alongwith interest @ 6% per annum. It would be pertinent to note that the claimants have also filed the petition for compensation under the Workmen's Compensation Act and the said compensation was awarded to them.

The Insurance Company has filed the present appeal on the

ground that the claimants could not have availed two remedies for compensation.

Learned counsel for the claimants relies on the decision of Hon'ble the Apex Court in the case of **Oriental Insurance Co. Ltd.** v. **Dyamavva and others**; 2013 (9) SCC 406.

Since in the present case factual verification would be required, matter is remitted back to the Tribunal to decide the quantum of compensation in accordance with Schedule-II of the Act and the judgment of Hon'ble the Apex Court referred to above.

Parties are directed to appear before the Tribunal on 18.1.2018.

Disposed of accordingly.

15.12.2017
rajeev

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No