

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

(1)

FAO No. 3265 of 2012

Shriram General Insurance Company Limited

.... APPELLANT

Versus

Randhir Singh and others

.... RESPONDENTS

(2)

FAO No. 1830 of 2013 (O&M)

Randhir Singh

.... APPELLANT

Versus

Jatinder Kumar and others

.... RESPONDENTS

DATE OF DECISION : 27.11.2017

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Lalit Kumar and Mr. Ashwani Talwar, Advocates,
for the appellant (in FAO No. 3265 of 2012) and
for respondent No.3 (in FAO No. 1830 of 2013).

Mr. R.C. Gupta, Advocate,
for respondent No.2 (in FAO No. 3265 of 2012) and
for the appellant (in FAO No. 1830 of 2013).

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AVNEESH JHINGAN, J. (Oral)

The present appeals have arisen out of the award dated
14.02.2012 passed by the Motor Accident Claims Tribunal, Ropar (for short,

`the Tribunal'), awarding a sum of ₹ 11,86,000/- along with interest at the rate of 9% per annum as compensation to the claimant for injuries suffered by him in a motor vehicular accident.

FAO No. 3265 of 2012 has been filed by the Insurance Company challenging the quantum of compensation. The other appeal, i.e. FAO No. 1830 of 2013 is at the behest of the claimant for enhancement of compensation.

In the appeal filed by the claimant, an application (CM No. 21589-CII of 2017) under Order 41 Rule 27 CPC has been filed by the claimant seeking permission to place on record the quotation for artificial limb.

Learned counsel for the Insurance Company has challenged the income of the claimant, assessed by the Tribunal. On the other hand, grievance of the claimant is that the percentage of the functional disability taken by the Tribunal is on lower side.

It has been alleged that after the passing of the award, there was need to get the prosthesis fitted.

In such circumstances, the award dated 14.02.2012 is set aside and the matter is remitted back to the Tribunal to be decided afresh. The parties would be at liberty to prove their claims and if need be, fresh evidence may be adduced.

Both the parties are directed to appear before the Tribunal on December 20, 2017.

Since the accident is of the year 2010, therefore, it would be desirable that the remand proceedings are disposed of expeditiously.

November 27, 2017
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No