

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

FAO No. 498 of 2012 (O&M)

Date of Decision:20.12.2017

Fakridin @ Fajar

.....Appellant

Versus

Billu Gupta and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Gupta, Advocate
for the appellant.

Mr. V.K. Garg, Advocate
for respondent No.4-Insurance Company.

AVNEESH JHINGAN, J.

The present appeal is against the award dated 20.12.2010 passed by the Motor Accidents Claims Tribunal, Palwal (for short 'the Tribunal').

In a motor vehicular accident that occurred on 1.4.2006 Fakridin @ Fajar suffered injuries. As a result of the accident, there was 25% permanent disability. The certificate was exhibited as Ex.P1.

Learned counsel for the appellant states that the said certificate was not considered as Doctor could not be examined. His further argument is that though there is 25% disability but actually functional disability is much more.

Learned counsel for the Insurance Company argued that Insurance Company should also be given reasonable opportunity to put forth their case.

Without expressing any opinion on the merits of the case, the matter is remanded back to the Tribunal only to decide the issue of disability and quantum of compensation afresh after permitting both the parties to adduce their evidence, if so desired, in favour of their claims.

Parties are directed to appear before the Tribunal on 22.1.2018.

20.12.2017

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No