

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6187 of 2012 (O&M)

Date of Decision:09.10.2017

Rakesh

.....Appellant

Versus

Rajesh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J.S. Dahiya, Advocate
for the appellant.

Mr. Yashveer Kharb, Advocate for
Mr. Ajay Ghangas, Advocate
for respondent No.2.

Mr. Subhash Goyal, Advocate
for respondent No.3.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 09.4.2012 passed by the Motor Accidents Claims Tribunal, Rohtak (for short 'the Tribunal').

The brief facts necessary for adjudication of the present appeal are as under:

Rakesh aged 22 years suffered injuries in a motor accident on 03.04.2009. He was coming back from Beri to his village on his motor cycle bearing registration No.HR-10-L-3016 when a truck bearing registration No. HR-46-B-6194, struck the motor cycle. As a result of the accident, he suffered injuries on his right leg and other parts of the body.

The claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Tribunal').

The Tribunal awarded a sum of ₹ 6,96,100/- along with interest at the rate of 6% per annum as compensation to the appellant.

Aggrieved of the said award, the present appeal has been filed for enhancement of compensation.

During the pendency of the appeal, learned counsel for the appellant has moved an application for placing on record additional evidence i.e. bills and advice of the Doctor.

Learned counsel for the Insurance Company has vehemently opposed this application.

After going through the facts of the case especially that a young boy of 22 years has suffered grievous injuries which has resulted into shortening of his left leg by 1-1/2 inch. The injury is such that apart from surgery already undergone, he would be needing treatment in future also. In such circumstance, it is appropriate to remit the matter back to the Tribunal to decide the issue of compensation afresh. The issue be decided after considering the medical evidence and evidence of medical expenses including future expenses also.

Thus, I am of the considered view that the matter requires reconsideration by the Tribunal. The appeal is accordingly allowed and the order under appeal dated 09.04.2012 is set aside and the matter is remitted to the Tribunal for afresh adjudication. The Tribunal will provide three

effective opportunities to both the parties to lead evidence in support their case.

The parties are directed to appear before the Tribunal on 01.11.2017.

09.10.2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No