

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

FAO-2122-2013 (O&M)
Date of decision: 07.12.2017

Maya Devi and others

.... Appellants

Versus

Sanjeet and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Ram Bilas Gupta, Advocate
for the appellants.

None for respondent No.2.

Mr. V.Ramswaroop, Advocate
for respondent No.3.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 09.11.2012 passed by Motor Accidents Claims Tribunal, Faridabad (hereinafter referred to as the 'Tribunal').

In a motor vehicular accident that occurred on 30.07.2011, Girraj Singh, was the pillion rider on the motorcycle bearing registration No.HR-72-3041. The said motorcycle was hit by rashly and negligently driven tanker bearing registration No.HR-38G-8353 (for short, 'the offending vehicle'). As a result of the accident, he suffered grievous injuries including head injury. FIR No.206 dated 31.07.2011 was registered at Police Station Sarai Khawaja.

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

The Tribunal awarded a sum of Rs.23,000/- along with interest @ 9% per annum.

The present appeal has been filed for enhancement of compensation.

I have heard the learned counsel for the parties and perused the paperbook.

During the pendency of the appeal, application under Order 41 Rule 27 of CPC has been filed for leading the additional evidence in the shape of medical bills.

Learned counsel for the appellant has argued that just after two months of passing the award, Girraj Singh lost his life due to the injuries suffered in the accident. He states that the medical bills be taken on record for enhancement of compensation.

Learned counsel for the Insurance Company opposed the claim made by learned counsel for the appellant.

Without expressing any opinion on the merits of the case, it is deemed appropriate to remit the matter back to the Tribunal to decide afresh in accordance with law. Both the parties shall be at liberty to adduce fresh evidence, if so required.

Parties are directed to appear before the Tribunal on 19.01.2018.

The appeal is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

07.12.2017

anju

1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No