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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-471-2013
Date of Decision :10.10.2017

Sunita

.....Petitioner

Versus

Sudarshan Garg and Others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Saurabh Garg, Advocate
for the appellant.

None for the respondents.

AVNEESH JHINGAN, J. (ORAL)

The present appeal has been filed against award dated 16.07.2012 passed by Motor Accidents Claim Tribunal, Kaithal (for short 'the Tribunal').

On 14.04.2010, Sunita sustained injuries in a motor vehicle accident at Ambala-Kaithal road. She was travelling in a car bearing registration No. DL2FFZ-0090. Suddenly a Neel Cow came in front of the car and while saving the cow the car struck against the Puliya resultantly, she suffered multiple injuries. She was hospitalized and operated upon.

A claim petition under Section 163-A of Motor Vehicles Act, 1988 was filed. The Tribunal awarded a sum of Rs.79,640/- along with interest at the rate of 7.5% per annum. The present appeal has been filed for enhancement of compensation.

I have heard learned counsel for the appellant. He has contended that the Tribunal while awarding the compensation has not

considered the bills Exhibit Annexure P-46 to P-50. He further argued that one bill of Rs.65,000/-, though discussed that the claimant would be entitled to Rs.15,000/- but the same amount has not been awarded. He further argued that in spite of schedule, amount beyond Rs.15,000/- can be awarded by the Courts.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue of compensation afresh after considering Exhibit P-46 to P-50 and the contention of the claimants with regard to the bill amounting to Rs.65,000/-.

The parties are directed to appear before the Tribunal on 29.11.2017.

The appeal is disposed of.

(AVNEESH JHINGAN)
JUDGE

October 10, 2017

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No