

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

FAO-4012-2016 (O&M)

Decided on: 14.12.2017

Parveen Kumar

.... Appellant

Versus

Bablu and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Akshay Sandhir, Advocate, for
Mr. Ashwani Gaur, Advocate,
for the appellant.

Mr. Lalit Garg, Advocate,
for respondent No.3.

AVNEESH JHINGAN, J (ORAL)

The present appeal has been filed against the award dated 10.02.2016 passed by Motor Accidents Claims Tribunal, Sonapat (hereinafter referred to as the 'Tribunal').

In a motor vehicular accident that occurred on 04.12.2014, the appellant suffered injuries because of the offending vehicle bearing registration No.HR58-A-4002. As a result of the injuries, there was 10 % disability.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), the Tribunal awarded a compensation of Rs.4,29,081/- along with interest @ 7.5% per annum.

Being aggrieved of the award, the present appeal has been filed for enhancement.

Learned counsel for the appellant argued that there was totaling a mistake by the Tribunal as the medical bills exhibited amounting to Rs.4,00,000/-, whereas the Tribunal has awarded only Rs.2,90,081/- for medical expenses. His further grievance is that disability certificate was produced as Ex.P-33, the same has not been considered by the Tribunal.

Learned counsel for the Insurance Company argues that they should be given an opportunity to rebut the said evidence, in case, same is going to be relied at this stage.

Without expressing any opinion on the merits of the case, the matter is disposed of by remitting back to the Tribunal to decide afresh after considering the material evidence already produced before it.

It is clarified that the amount already awarded would be subject to the decision of the remand proceedings.

Parties are directed to appear before the Tribunal on 18.01.2018.

(AVNEESH JHINGAN)
JUDGE

14.12.2017

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No