

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

499

FAO No.5352 of 2015 (O&M)

Decided on : 09.10.2017

Gurvinder Singh @ Gurbinder Singh

... Appellant

Versus

Sh.Sadhu Ram and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Ms.Amandeep Kaur, Advocate for
Mr.Ashwani Arora, Advocate
for the appellant.

Mr.Sandeep Saini, Advocate for
Mr.Sumit Gupta, Advocate for respondent Nos.1 and 2.

Avneesh Jhingan , J. (Oral)

Present appeal has been filed against award dated dated
7.7.2014 passed by Motor Accidents Claims Tribunal, SAS Nagar,
Mohali (for short the 'Tribunal').

2. Gurvinder Singh @ Gurbinder Singh filed a claim petition
under Section 166 of the Motor Vehicles Act 1988 (for short the 'Act')
seeking compensation on account of injuries suffered by him in an
accident on 19.12.2012. He along with one Abbas Khan Khan was going
in a vehicle bearing registration No.DL-1-CG-8737. The said vehicle was
struck by truck bearing registration No.HR-69-0766 (for short the
'offending vehicle'). As a result of the accident, he suffered multiple
injuries and was taken to S.G.T. Medical College, Gurgaon and
thereafter, shifted to Paras Hospital, Gurgaon. He remained admitted till

26.12.2012 and was operated to fix his mandible fracture and other multiple lacerated wounds. He thereafter, was brought to Fortis Hospital, Mohali. He remained admitted there upto 31.12.2012 where his fractures were fixed. His disability certificate, Ex.P-1 was produced before the Tribunal assessing his disability as 20% pertaining to dental and another 20% for ortho injuries. Dr. Ashit Gupta of Civil Hospital, Mohali deposed as PW-3. The Tribunal awarded a sum of Rs.9,71,290/- along with interest at the rate of 9% per annum.

3. The present appeal has been filed for enhancement of compensation.

4. Learned counsel for the appellant argued that as has been noticed by the Tribunal in the award, claimant had to appear after one year to get his disability re-assessed. She states that now disability has been re-assessed and fresh certificate has been issued. She prays for an opportunity to place the same on record.

5. Learned counsel for the Insurance company has argued that mere placing of the certificate would not be enough, it will have to be proved.

6. Keeping in view the facts and circumstances of the case and the arguments raised by the counsel, it is a fit case where the case is remitted back to the Tribunal to consider the fresh disability certificate issued by the board and thereafter, re-assess compensation to be awarded with regard to disability part only

7. Both the parties would be at liberty to support their case

before the Tribunal. The parties should appear before the Tribunal on 08.11.2017.

Disposed of.

[Avneesh Jhingan]
Judge

09.10.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No