

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4459 of 2016 (O&M)

Date of Decision: 30.11.2017

Ghanshyam

.....Appellant

Versus

Vinod Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Minakshi Poswal, Advocate for
Mr. R.S. Mamli, Advocate
for the appellant.

Ms. Priyadeep, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.3 -Insurance Company.

AVNEESH JHINGAN, J.

The present appeal is against the award dated 17.2.2016 passed by the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri, (for short 'the Tribunal').

Ghanshyam, aged 22 years, met with a motor vehicular accident on 6.3.2014. He was going on his motor cycle bearing registration No. HR-26-X-6415. The said motor cycle was struck by a rashly and negligently driven Truck bearing registration No.HR-55-C-3856 (for short 'the offending vehicle'). As a result of the accident, he suffered grievous injuries. FIR No. 43 dated 6.3.2014 was registered at Police Station Sadar Yamuna Nagar.

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

The Tribunal awarded a sum of Rs.2,50,000/- along with interest at the rate of 8% per annum.

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

Learned counsel for the appellant argued that apart from other injuries, the appellant suffered pelvic fracture from urethra after removal of catheter. There was follow up treatment after 21 days of surgery. She further submitted that as a result of the surgery and other complications due to the injuries suffered in the accident, the appellant has become impotent.

Learned counsel for the Insurance Company argued that there is no evidence on record to prove that there was some complication after the accident.

Keeping in view the facts and circumstances of the case, it is deemed appropriate that the matter is remitted back to the Tribunal to decide the issue of enhancement of compensation afresh after considering fresh evidence if brought on record by the appellant. Both the parties are at liberty to produce evidence in support of their claims.

Ordered accordingly.

Parties are directed to appear before the Tribunal on 15.1.2018.

30.11.2017

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No