

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

227

**XOBJC-292-CII-2016 and
FAO No.4502 of 2016**
Decided on : 24.10.2017

New India Assurance Company Ltd.

... Appellant

Versus

Manish Grover and others

.. Respondents

CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Mr.Vinod Gupta, Advocate
for the appellant.
Mr.Sumit Gupta, Advocate
for respondent No.1/Cross-objector.
Mr.H.K.Brinda, Advocate for respondents No.2 and 3.

Avneesh Jhingan , J. (Oral)

The present appeal and cross objections have been filed against the award dated 31.5.2016 passed by Motor Accidents Claims Tribunal, Karnal (for short 'the Tribunal').

The appellant suffered injuries in a motor vehicular accident which occurred on 30.03.2015. As a result of the injuries suffered, he was hospitalized and there was 55% permanent disability. The Tribunal after considering the 55% disability of limb to be 50% loss of earning capacity, awarded a sum of Rs.3,04,000/- along with interest at the rate of 9% per annum.

The Insurance Company has filed the appeal mainly agitating that 55% disability has not resulted into 50% functional disability. On the other hand, claimant has filed cross objections that 55% limb disability has actually resulted into 100% operation disability.

In view of the facts of the case, it would be appropriate if the

matter is remanded back to the Tribunal to decide the issue afresh:

“What is the effect of 55% permanent disability suffered by the claimant.”

The Tribunal would provide opportunity to both the parties to support their case by leading their witnesses and evidence, if required.

The appeal and cross objections are disposed of in above terms.

Parties are directed to appear before the Tribunal on 15.12.2017.

It is clarified that this remand would not effect the other amounts awarded to the claimant. The 50% amount already paid to the claimant would be subject to the result of the remand.

**[Avneesh Jhingan]
Judge**

24.10.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No