

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

FAO-8085-2014 (O&M)
Date of decision: 30.11.2017

BIRENDER SINGH

...Appellant

Versus

SANSAR SINGH AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Tarun Yadav, Advocate for
Mr. Jai Vir Yadav, Advocate for the appellant.

Mr. Pardeep Goyal, Advocate
for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.21840-CII-2014

Heard.

For the reasons stated in the application supported by affidavit of Mr. Baljeet Singh, Clerk to Mr. Jai Vir Yadav, Advocate, same is allowed. Delay of 28 days in re-filing the appeal is condoned.

Main Case

The claimant is in appeal seeking enhancement of compensation in respect of injuries sustained by him in a motor vehicular accident that took place on 25.06.2012. The Tribunal has awarded consolidated amount of Rs.12 lakh.

Counsel for the appellant would state that the injured suffered

disability to the extent of 85% on account of amputation right thigh lower 1/3rd region and range of motion of right forearm.

Counsel for the parties are *ad idem* that the matter may be remitted to the Tribunal for making assessment of compensation head wise in the light of judgment of Hon'ble the Supreme Court **Raj Kumar Vs. Ajay Kumar and others, 2011(2) RCR (Civil) 101** as well as other judgments on the issue.

In view of the above, the appeal is disposed of. The assessment of compensation made by the Tribunal is set aside. The matter is remitted to the Tribunal for assessment of compensation head wise. Till the decision by the Tribunal, the insurance company shall not be entitled to recover compensation already paid to the claimant. The parties through their counsel are directed to appear before the Tribunal at Narnaul on 19.12.2017. The Tribunal is directed to dispose of the matter within a period of two months from the parties putting in appearance. However, the parties would be at liberty to adduce additional evidence with permission of the Tribunal.

30.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No