

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

-.-

FAO No. 6696 of 2015 (O&M)

Date of decision: 20.12.2017

Sunita Sharma and another

.....Appellants

Versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Vikram Bali, Advocate
for the appellants

Mr. Sanjeev Goyal, Advocate
for the insurance Company

Mr. Taney Sharma, AAG, Haryana

-.-

Rekha Mittal, J. (Oral)

CM 27596-CII of 2017

Allowed as prayed for. Annexure A-1 (Colly) is taken on record.

Main case

The present appeal directs challenge against award dated 13.07.2015 passed by the Motor Accidents Claims Tribunal, Panchkula (hereinafter to be referred as 'the Tribunal') whereby compensation has been assessed in regard to death of Manuj Sharma in a motor vehicular accident that took place on 28.02.2011.

Perusal of the award would reveal that the claimants pressed for assessment of compensation on the basis of documents Ex.P5, P6, PW3/A

etc, pertaining to employment of deceased with M/s Z-Tech India Private Limited. There appears to be some discrepancy in the documents produced on record viz-a-viz the amount remitted by the aforesaid Company in account maintained by the deceased in Bank of India Ex. P9 besides payment of approximately Rs.53,000.00 to father of the deceased qua outstanding liability towards the deceased.

Counsel for the parties are *ad idem* that findings recorded by the Tribunal on issue No. 2 in respect of assessment of compensation may be set aside and the matter be remitted to the Tribunal for making assessment afresh, on the basis of examination of a witness from M/s Z-tech India Private Limited by the claimants and evidence in rebuttal to be adduced by the insurance company.

In view of the above, the appeal is disposed of. Findings recorded by the Tribunal on issue No. 2 qua assessment of compensation are set aside and the matter is remitted to the Tribunal for making assessment afresh in the aforesaid terms. It would also be decided by the Tribunal as to the date from which insurance company is liable to pay interest on the awarded amount. The Tribunal shall put its best efforts to dispose of the matter within a period of three months from the parties putting appearance on 22.01.2018. In the meantime, the insurance company shall not recover compensation already paid to the claimants.

(Rekha Mittal)
Judge

20.12.2017
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No