

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

FAO No. 1843 of 2017 (O&M)

Date of Decision: 7.12.2017

Smt. Krishna and others

.....Appellants

Versus

Raju Yadav and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Abha Rathore, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 7.9.2016 passed by the Motor Accidents Claims Tribunal, Faridabad (for short 'the Tribunal').

In a motor vehicular accident which occurred on 15.6.2014 Praveen Kumar Panchal lost his life. The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the legal heirs of the deceased. The Tribunal awarded a sum of Rs.24,52,100/- alongwith interest at the rate of 9% per annum.

The present appeal has been filed by the appellants raising grievance that the Tribunal has taken the salary of the deceased as Rs.13,821/- per month whereas as per the document produced before the Tribunal, the gross salary was Rs.37,65,026/- per annum. The grievance raised is that the Tribunal while making the calculation has picked one figure only for one allowance and not the entire salary .

Learned counsel for Insurance Company contended that the amount awarded under conventional heads is on the higher side.

In such circumstance, without expressing any opinion on the merits of the case, it is deemed appropriate to remit the matter back to the Tribunal to recalculate the quantum of compensation after considering the exhibits produced and in accordance with law.

If any amount has already been paid to the claimants, the same shall be subject to remand proceedings.

Ordered accordingly.

Parties are directed to appear before the Tribunal on 10.1.2018.

7.12.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No