

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

**FAO No. 6036 of 2017(O&M)
Date of Decision:- 11.12.2017**

Dalbir

....Appellant

Versus

Balraj & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Saurabh Dalal, Advocate, for the appellant.

Mr. Gopal Mittal, Advocate, for respondent No3.

AVNEESH JHINGAN, J. (Oral)

Present appeal has been filed against the award dated 20.03.2017 passed by Motor Accident Claims Tribunal, Jhajjar (for short, 'the Tribunal').

In a motor vehicular accident that occurred on 03.06.2013, Dalbir suffered injuries. As a result of the injuries suffered there was 40% disability. The Tribunal had awarded a sum of Rs.40,869/- and no interest was awarded. FIR No. 200, dated 13.06.2013 was registered at Police Station Sampla.

The present appeal is for the enhancement of compensation.

The grievance is that 40% disability is qua the eye and due to this, eye-sight of the appellant has been affected.

Learned counsel for the insurance company has argued that it has not come on record that what is the effect of disability qua the whole body.

The present case involves a young boy of 28 years, whose eye-sight

has been affected. At this stage, it would not be possible to assess the loss of earning and the effect of disability qua whole body.

Without expressing any opinion on the merits of the case, it is deemed appropriate to remit the matter back to the Tribunal to assess a compensation afresh in accordance with law.

The parties would be at liberty to adduce fresh evidence in support of their cases. It is clarified that the amount already awarded would be subject to the decision of the remand proceedings.

Parties are directed to appear before the Tribunal on 18.01.2018.

The appeal is disposed of accordingly.

December 11, 2017
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(AVNEESH JHINGAN)
JUDGE

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