

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 7339 of 2017 (O&M)

Date of Decision: 15.12.2017.

New India Assurance Company Ltd.

.....Appellant

Versus

Sunil Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.C. Kapoor, Advocate
for the appellant.

Ms. Ekta Thakur, Advocate
for respondents No. 1 to 4.

AVNEESH JHINGAN, J.

The present appeal has been filed by the Insurance Company being aggrieved of award dated 21.8.2017 passed by the Motor Accidents Claims Tribunal, Chandigarh (for short 'the Tribunal').

In a motor vehicular accident that occurred on 19.8.2016, Sahib Sharan @ Sahib Saran, aged 50 plus years, lost his life. The offending vehicle was Car bearing registration No.CH01-BG-7399.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), the Tribunal awarded a sum of Rs.19,50,200/- along with interest at the rate of 7.5% per annum to the claimants-legal heirs of the deceased.

The grievance of the learned counsel for the Insurance company is that the Tribunal has not appreciated the evidence produced on record and has made contradictory observation to the extent that on one

Hand, it was stated that there was no evidence to be relied upon to assess the

income of the deceased, yet on the other hand, the same was assessed as Rs.12,000/-per month. His further grievance is with regard to the quantum of compensation.

Learned counsel for the claimants defended the award and argued that even if there are some contradiction in the impugned award, the same should be ignored.

Keeping in view the facts of the case but without expressing any opinion on the merits of the case, the matter is remanded back to the Tribunal to decide the issue of quantum of compensation afresh on the basis of material already produced before it. Since, the accident is of the year 2016 and till date the claimants have not got even a penny, let remand proceedings be decided within three months.

In the meanwhile, the Insurance Company will disburse Rs.5,00,000/- to the claimants.

Disposed of accordingly.

15.12.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable: Yes/No