

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

1. FAO No.3610 of 2003 (O&M)
Date of decision: 26.02.2018

Puran Singh and others Appellants

Versus

Sumitra Devi and others Respondents

2. FAO No.1745 of 2003 (O&M)

Sumitra Devi and others Appellants

Versus

Jagdish Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Baldev Kapoor, Advocate
for the appellants in FAO No.3610 of 2003 and
for respondents No.1 and 2 in FAO No.1745 of 2003.

Mr.S.C.Chhabra, Advocate
for respondents No.1 to 6 in FAO No.3610 of 2003 and
for the appellants in FAO No.1745 of 2003.

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No.7 in FAO No.3610 of 2003
for respondent No.3 in FAO No.1745 of 2003.

Avneesh Jhingan, J.

The present two appeals have emanated from award dated 14.11.2002 passed by Motor Accidents Claims Tribunal, Ferozepur (hereinafter referred to as the 'Tribunal').

An accident took place on 27.12.1995. Mohal Lal was travelling in a bus bearing registration No.PUD-9225. The said bus was

being driven by Jagdish Singh. The bus was owned by Puran Singh. Due to rash and negligent driving of the bus, there was accident. As a result, Mohan Lal died as he was crushed under the rear tyre of the bus.

A 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.1,82,300/- as compensation along with interest @ 9% per annum.

The claimants are in appeal for enhancement. The driver and the owner are in appeal being aggrieved that inspite of having produced a valid driving licence Ex.R2, the recovery rights have been granted to the Insurance Company.

Learned counsel for the owner and driver of the offending vehicle argued that the onus on Insurance Company was not discharged with regard to the validity of driving licence Ex. R-2.

The grievances of the claimants are interalia that the age of the deceased has wrongly been taken and the amount has not been assessed in consonance with the decisions of the Supreme Court in **Smt. Sarla Verma Vs. Delhi Transport Corporation, 2009(6) SCC 121** and **National Insurance Company Limited Versus Pranay Sethi and others, 2017 AIR (SC) 5157**.

Since the determination of the issues would be needing consideration of factual aspects and also providing opportunity to the parties to adduce evidence. Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue of liability to pay compensation as well as enhancement of compensation afresh. The

parties would be afforded opportunities to produce evidence in support of their case.

Parties are directed to appear before the Tribunal on 26.03.2018.

Both the appeals are disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

23.02.2018

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1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No