

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

Date of Decision:- 16.03.2018

1. FAO No. 1419 of 2004 (O&M)

Gian Dass

....Appellant

Versus

Jagdev Singh & Ors.

...Respondents

2. FAO No. 1502 of 2004 (O&M)

Gurmel Kaur & Ors.

....Appellants

Versus

Jagdev Singh & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Tribhuvan Singla, Advocate and
Mr. Ankush Singla, Advocate, for the appellant.

Mr. Neeraj Khanna, Advocate, for Insurance Co.

AVNEESH JHINGAN, J. (Oral)

These are two FAOs arisen from the awards dated 07.11.2003 passed by Motor Accident Claims Tribunal, Barnala.

An accident took place on 02.01.2000. Balvir Dass, Balvir Kaur, Manjit Kaur, Mohan Devi, Sinderpal @ Soma and Gurcharan Singh were traveling in a jeep bearing Registration No. PJS – 7071. The said jeep met with an accident with a bus bearing registration No. PB-03/D-4081. As a result of the accident three occupants of jeep lost their lives and other suffered injuries.

Claim petitions were filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'). The Tribunal awarded compensation and further gave recovery rights to the insurance company as it was held that the driver of the offending bus was not having a valid driving license.

These appeals have been filed by the claimants for enhancement of compensation.

As the issue regarding liability to pay compensation has been remitted back, the issue of enhancement of compensation is also remanded back to the Tribunal. It is clarified that no opinion has been expressed on the merits of the case. The parties would be at liberty to adduce additional evidence, if so desired, before the Tribunal.

Parties are directed to appear before the Tribunal on 16.05.2018.

March 16, 2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No