

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

FAO-718-2004

Date of decision: 14.11.2018

Parveen Kumar

.... Appellant

Versus

National Insurance Company and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Roopak Bansal, Advocate
for the appellant.

None for the respondents.

Avneesh Jhingan, J.

The present appeal has been filed against award dated 27.10.2003 passed by Motor Accident Claims Tribunal, Jind (hereinafter referred to as the 'Tribunal').

A motor vehicular accident took place on 11.08.2000. The vehicle involved in the said accident was a bus bearing registration No. HR-45-0414. The appellant suffered injuries in the said accident.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity, 'the Act') was filed. The Tribunal awarded a sum of ₹1,10,000/- along with interest @ 9% per annum.

Learned counsel for the appellant argued that a disability certificate Ex.P2 was produced before the Tribunal. The Tribunal erred in not appreciating the disability certificate. The appellant had suffered 15%

permanent and 5% temporary disability. The Tribunal has awarded compensation only considering the injuries suffered by the appellant which resulted into temporary disability. No compensation was awarded for permanent disability.

No one appeared for the respondents today inspite of repeated calls.

From the perusal of the record, it is evident from the certificate issued by PGIMS, Rohtak that there is 15% permanent and 5% temporary disability. It is further clear that no doctor had deposed before the Tribunal to prove the disability certificate.

In the facts and circumstances of the case, the matter is remitted back to the Tribunal to decide the issue on quantum of compensation afresh after affording opportunities to the parties to adduce evidence in support of their claim.

Parties are directed to appear before the Tribunal on 15.01.2019.

(AVNEESH JHINGAN)
JUDGE

14.11.2018

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

2. Whether the order is reportable : Yes/No