

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O. No. 404 of 2011 (O&M)

Date of Decision:15.01.2018

Sahipal

.....Appellant

Versus

Shree Bhagwan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Devinder Singh, Advocate
for the appellant.

Mr. Ramender Chauhan, Advocate
for respondent No.2.

Mr. R.N. Singal, Advocate
for respondent No.3.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 21.4.2010 passed by the Motor Accidents Claims Tribunal, Bhiwani (for short 'the Tribunal').

On 8.1.2007 Sahipal, aged 35 years, was travelling in a three-wheeler bearing registration No.HR-39-4668. The said vehicle was struck by rashly and negligently driven Tralla/Truck bearing registration No.HR-56-4627. As a result of the accident, the appellant suffered multiple injuries including head injury. He was seriously injured and hence was first referred to PGIMS, Rohtak and thereafter to All India Institute of Medical Sciences, New Delhi. He remained admitted from 9.1.2007 to 11.2.2007. FIR No. 12, dated 8.1.2007 was registered at Police Station Sadar, Bhiwani.

As a result of the injuries suffered in the accident, the appellant suffered 72% permanent disability. In a claim petition filed under Section

166 of the Motor Vehicles Act, 1988 (for short 'the Act'), the Tribunal awarded a sum of Rs.3,74,200/- along with interest at the rate of 6% per annum.

The present appeal has been filed for enhancement of the compensation.

Learned counsel for the appellant contends that because of the injuries suffered, the appellant has been rendered bed ridden and has undergone surgeries and his treatment is continuing. His contention is that 72% permanent disability has crippled the appellant and it has resulted into 100% functional disability. Though no such conclusion can be arrived at on the basis of the record but the injuries suffered and the disability, has not been disputed. In the interest of justice, it would be appropriate to remit the matter back to the Tribunal to consider the enhancement issue after providing opportunity to both the parties to adduce evidence in support of their case.

Ordered accordingly.

The parties are directed to appear before the Tribunal on 15.2.2018.

15.01.2018
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(AVNEESH JHINGAN)
JUDGE

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