

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

FAO No. 4867 of 2011 (O&M)

Date of Decision:- 27.04.2018

National Insurance Co. Ltd.

....Appellants

Versus

Jaspal Kaur & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Paul S. Saini, Advocate, for the appellant.

Mr. T.P.S. Tung, Advocate, for the respondents.

AVNEESH JHINGAN, J. (Oral)

Claimant in MACT Case No. 99T/2K9/23.02.2007, being aggrieved of the award dated 11.01.2010 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (for short, 'the Tribunal') is in appeal for the enhancement of the compensation.

Brief facts of the case are that Santokh Singh, aged 40 years, lost his life in a motor vehicular accident that took place on 04.12.2006. The deceased alongwith his wife was going from their village to Mandi Gobindgarh on scooter bearing registration No. PB-48-8688. A truck bearing registration No. HR-37-A-3819 (for short, 'the offending vehicle') being driven rashly and negligently struck the scooter from behind. As a result of the accident Santokh Singh and his wife fell on the road, Santokh Singh died at the spot and his wife suffered injuries. FIR No. 184, dated 04.12.2006 was registered at Police Station Mandi Gobindgarh.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the injured. The Tribunal awarded a sum of Rs.7,58,667/- as compensation with a conditional interest in case

the payment was not made within two months from the passing of the order.

The insurer of the offending vehicle has filed the present appeal being aggrieved that there are certain double entries so far as the medical expenses claimed by the claimant, are concerned.

Learned counsel for the respondent-claimant argued that in fact the medical expenses incurred are much more than the bills produced before the Tribunal. He further argued that even till date the claimant is under treatment.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue on quantum of compensation afresh. It is further clarified that while passing the award on quantum of compensation, the Tribunal will also take into consideration the provisions of Section 171 of the Act.

Accordingly, the present appeal is disposed of.

Parties are directed to appear before the Tribunal on 30.05.2018.

April 27, 2018
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(AVNEESH JHINGAN)
JUDGE

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