

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

Date of Decision:- 19.01.2018

1. FAO No. 7397 of 2010 (O&M)

The National Insurance Co. Ltd.

....Appellant

Versus

Gurbachan Kaur alias Kiranjit Kaur & Ors

...Respondents

2. FAO No. 1183 of 2011 (O&M)

Gurbachan Kaur alias Kiranjit Kaur & Ors.

....Appellants

Versus

Surjit Singh & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. R.K. Arya, Advocate, for the appellants.
(in FAO No. 1183 of 2011)

Mr. R.C.Kapoor, Advocate, for the appellant
(in FAO No. 7397 of 2010)
and for the respondent- Insurance Co.
(in FAO No. 1183 of 2011)

AVNEESH JHINGAN, J. (Oral)

Present appeals have been filed against award dated 07.09.2010 passed by Motor Accident Claims Tribunal, Gurdaspur (for short, 'the Tribunal').

FAO No. 7397 of 2010 has been filed by the insurance company raising a grievance that the rash and negligent driving of the alleged offending truck has not been proved and further being aggrieved of quantum of compensation.

FAO No. 1183 of 2011 has been filed by the claimants for enhancement of compensation on the ground that multiplier method has not been applied by the Tribunal and no amount has been awarded under the conventional heads.

After hearing learned counsel for the parties; perusing the paper-book and the records, there appears to be some contradiction between the deposition and the cross-examination of the eye-witness Dilbag Singh AW-2. The Tribunal while passing the award has not dealt with the evidence in *toto*.

It would be appropriate in the facts and circumstances of the case that the matter is remitted back to the Tribunal. The issue of rash and negligent be decided afresh after providing opportunities to both the parties to adduce the evidence in support of their case, if so desired.

Needless to say that it is only after decision on issue of rash and negligent driving, thereafter the issue of quantum and enhancement would arise.

The parties are directed to appear before the Tribunal on 21.02.2018.

The appeals are disposed of, accordingly.

January 19, 2018
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(AVNEESH JHINGAN)
JUDGE

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