

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

FAO No.6151 of 2011 (O&M)

Date of decision: 23.02.2018

Satyawan

.... Appellant

Versus

Partap Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Vinod Kanwal, Advocate for
Mr. Ashit Malik, Advocate
for the appellant.

Mr. R.C.Gupta, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has arisen from the award dated 23.04.2010 passed by Motor Accidents Claims Tribunal, Bhiwani (hereinafter referred to as the 'Tribunal').

The appeal has been filed for enhancement of compensation awarded by the Tribunal in a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

On 31.10.2007, the appellant was travelling in a truck bearing registration No.HR-14-1980. Due to the rash and negligent driving of the truck, the truck turned turtle near village Berla and appellant suffered injuries. He was taken to private hospital and then admitted in PGIMS, Rohtak. FIR No.43 was registered at Police Station Badhra.

The Tribunal awarded a sum of Rs.2,25,000/- as compensation

along with interest @ 7% per annum.

Learned counsel for the appellant argued that appellant suffered 100% permanent disability qua lower limb as there was fracture in the spine. He argued that 28 years of a young man has been crippled and he has been rendered bid ridden. *Inter alia* he contends that the Tribunal erred in not applying the multiplier method.

Without expressing any opinion on the merits of the case regarding enhancement of compensation, the matter is remitted back to the Tribunal to be decided afresh after providing opportunities to the parties to adduce evidence in support of their case. The appellant would be at liberty to adduce evidence with regard to appellant's treatment after passing of the award and to bring on record his present position. The respondents would be at liberty to rebut the same.

Parties are directed to appear before the Tribunal on 19.03.2018.

The appeal is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

23.02.2018

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

2. Whether the order is reportable : Yes/No