

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

Date of Decision:- 16.03.2018

1. FAO No. 804 of 2011 (O&M)

Parmila

....Appellant

Versus

Sombir & Ors.

...Respondents

2. FAO No. 805 of 2011 (O&M)

Deepak

....Appellant

Versus

Sombir & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Dinesh Saini and Ms. Monika Arora, Advocates
for the appellant(s).

Mr. Vikas Chatrath, Advocate, for the respondents.

AVNEESH JHINGAN, J. (Oral)

These appeals arise from award dated 01.09.2010 passed by
Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal').

The accident took place on 18.07.2009. Deepak was driving a
motor-cycle and Parmila was pillion-rider. He was going from Bandh to
Israna to his shop. When he reached near village Mandi, a mini school bus
bearing registration No. HR-46-9746 which was being driven rashly and
negligently hit the motor-cycle. As a result of the accident both Deepak and
Parmila suffered injuries. The front tyre of the bus ran over the foot of

Parmila.

Claim petitions were filed under Section 166 of the Motor Vehicles Act (for short, 'the Act'). The Tribunal awarded compensation. Present appeals have been filed for enhancement of compensation. During the pendency of the appeals, applications have been moved for producing additional evidence. Alongwith applications permanent disability certificates have been attached. The prayer is that these may be considered for enhancement of compensation.

On notice the insurance company has filed reply to the applications. These certificates admittedly were not produced before the Tribunal as the certificates have been issued after the passing of the award.

The matters are remitted back to the Tribunal to decide issue of enhancement of compensation. The Tribunal may consider the permanent disability certificates subject to legal objections of the insurer. The parties would be at liberty to adduce any other additional evidence in support of their cases, if so desired.

Appeals are accordingly disposed of.

Parties are directed to appear before the Tribunal on 23.04.2018.

March 16, 2018
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(AVNEESH JHINGAN)
JUDGE

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