

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3467 of 2012 (O&M)

Date of Decision:01.02.2018

Rampal and others

.....Appellants

Versus

Subhash and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Seema Pasricha, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.4-Insurance Company.

AVNEESH JHINGAN, J.(oral)

The present appeal is filed against the award dated 04.11.2011 passed by the Motor Accidents Claims Tribunal, Jind (for short 'the Tribunal').

On 17.02.2011 Sunil aged 15 years lost his life in a motor vehicular accident. The offending vehicle was Haryana Roadways Bus bearing registration No.HR-56-2474. The deceased was a student of 10+2. 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.2,30,000/- alongwith interest at the rate of 9% per annum.

One of the grievances raised in the appeal by learned counsel for the appellants is that while awarding the compensation, the judgment of Hon'ble the Apex Court in ***Kishan Gopal and another vs. Lala and others 2014(1) SCC 244***, should be considered. In order to rely upon the judgment of **Kishan Gopal's case (supra)** certain factual aspects have to be considered.

In such circumstances, it is deemed appropriate to remit the matter back to the Tribunal to decide the issue of enhancement afresh after affording opportunity to both the parties to adduce fresh evidence if so desired. It is further clarified that the matter has been remanded only with regard to enhancement and the amount already awarded would not be effected by the said proceedings.

Ordered accordingly.

Parties are directed to appear before the Tribunal on 08.03.2018.

01.02.2018

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No