

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

**FAO No. 1137 of 2013
Date of Decision : 20.04.2018**

ORIENTAL INSURANCE COMPANY LTD.

Versus

SAHID AND OTHERS

Present :- Mr. Ashwani Talwar and Mr. Lalit Kumar, Advocates,
for the appellant.

Mr. Amardeep Hooda, Advocate, for
Mr. Sarfaraj Hussain, Advocate
for respondent Nos.3 and 4.

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

AVNEESH JHINGAN, J.

The appeal has been filed against the award dated 30th October, 2012 passed by the Motor Accident Claims Tribunal, Nuh (for short 'the Tribunal').

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), the Tribunal awarded sum of Rs.3,29,000/- alongwith interest at the rate of 6% per annum to the brothers of the deceased.

The Insurance Company has filed the present appeal being aggrieved that the plea was taken before the Tribunal to the effect that the claimants were not dependent on the deceased. The Tribunal

noted the said plea but has not decided the same. The appeal was admitted in this Court and stay of payment beyond Rs.50,000/- was granted.

Without expressing any opinion on the merits of the case, it would be appropriate to remit the matter back to the Tribunal to decide the issue whether the claimants were dependent upon the deceased or not. The issue would be decided after serving notice on the claimants and providing an opportunity to both the parties to adduce evidence afresh in support of their claims, if so desired.

The appeal is disposed of, accordingly.

**(AVNEESH JHINGAN)
JUDGE**

20.04.2018
Manpreet

Whether reasoned / speaking

Yes / No

Whether reportable

Yes / No