

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

Date of Decision:19.01.2018

(i) FAO No. 2061 of 2013 (O&M)

Neeraj Rani and others

.....Appellants

Versus

Joginder Singh and others

.....Respondents

(ii) FAO No. 3442 of 2013 (O&M)

Joginder Singh and another

.....Appellants

Versus

Neeraj Rani and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Shivam Grover, Advocate for
Mr. R.P. Singh Ahluwalia, Advocate
for the appellants in FAO No. 2061 of 2013 and
for respondents No. 1 to 4 in FAO No. 3442 of 2013.

Mr. Sagar Aggarwal, Advocate and
Mr. Aashit Malik, Advocate
for respondent No.1 and 2 in FAO No. 2061 of 2013 and
for appellants in FAO No. 3442 of 2013.

Mr. Lalit Kumar, Advocate and
Mr. Ashwani Talwar, Advocate
for Insurance Company.

AVNEESH JHINGAN, J.

These are two appeals filed against the award dated 23.01.2013
passed by the Motor Accidents Claims Tribunal, Panchkula (for short 'the
Tribunal').

In a motor vehicular accident that occurred on 22.02.2009
Satbir aged 33 years lost his life. The offending vehicle in the said accident
was truck bearing registration No. HR-67-B-0045.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the act'), the Tribunal awarded a sum of Rs.8,94,000/- alongwith interest at the rate of 6% per annum. The driving licence produced by the owner and driver of the offending vehicle was found to be fake.

The present FAO No. 3443 of 2013 has been filed by the owner and driver of the offending vehicle along with an application for producing additional evidence on record. With the said application, another driving licence has been annexed which is stated to be valid.

FAO No. 2061 of 2013 has been filed by the claimants for enhancement of compensation inter-alia on the ground that no future prospects have been awarded. The amounts awarded under conventional heads are on the lower side.

Learned counsel for the Insurance Company has opposed the appeal of the owner and driver only on the ground that fresh driving licence now produced should not be accepted without affording an opportunity to verify the same.

The submission made by learned counsel for the Insurance Company deserves acceptance. It is only after due verification of the new licence that the issue regarding liability can be decided.

Hence, the matter is remitted back to the Tribunal. The issue regarding enhancement of the compensation raised by the claimants will also be considered by the Tribunal in view of the latest decision of Hon'ble the Apex Court in **National Insurance Company Limited Versus Pranay Sethi and others Special Leave Petition (Civil) No. 25590 of 2014 decided on 31.10.2017.**

The present remand proceedings are result of an application moved by the owner and driver of the vehicle because of which there would be another round of litigation. To balance the equity, the remand is made subject to the condition that the owner and driver will pay a sum of Rs.25,000/-, towards costs to the claimants as litigation expenses for the remand proceedings.

Needless to add that the remand proceeding would be subject to the payment of costs.

Ordered accordingly.

Parties are directed to appear before the Tribunal on 20.02.2018.

19.01.2018

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No