

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

FAO No.2608 of 2013 (O&M)

Date of decision: 18.01.2018

Satish

...Appellant

Versus

Ram Saroop and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vikrant Rana, Advocate
for the appellant.

Mr. B.S. Walia, Advocate
for respondent No.2.

Mr. R.N. Singhal, Advocate
for respondent No.3.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 31.07.2012 passed by the Motor Accidents Claims Tribunal, Gurgaon whereby compensation to the tune of Rs.1,50,000/- has been awarded in respect of injuries sustained by appellant-Satish in a motor vehicular accident that took place on 08.04.2010.

Counsel for the appellant has submitted that the injured, aged 34 years, suffered disability to the extent of 80% but the Tribunal without examining entitlement of the claimant to get compensation under various heads, has allowed a consolidated sum of Rs.1,50,000/-. It is further

submitted that the award passed by the Tribunal with regard to assessment of compensation may be set aside and the matter be remitted to the Tribunal for assessment afresh head-wise in the light of catena of judgments on the issue particularly judgment in **Raj Kumar Vs. Ajay Kumar and others, 2011(2) RCR (Civil) 101.**

Counsel for the insurance company has got no objection.

In view of the above, the appeal is disposed of and assessment of compensation made by the Tribunal is set aside. The matter is remitted to the Tribunal for assessment of compensation afresh on the basis of materials on record and additional evidence, if any, allowed to be adduced by the parties. In the meanwhile, insurance company shall not recover compensation already paid to the claimant. The parties through their counsel are directed to appear before the Tribunal on 19.02.2018. The Tribunal is directed to complete reassessment of compensation within a period of two months from the parties putting in appearance. All other terms and conditions of the award shall remain intact.

18.01.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No