

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

FAO No.1803 of 2014 (O&M)

Date of decision: 15.05.2018

Jaswinder Pal Singh Viridi

.... Appellant

Versus

Jaspreet Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.J.S.Bagga, Advocate with
Mr. Pawan Raughta, Advocate
for the appellant.

Mr. H.S.Saggu, Advocate
for respondents No.1 and 2.

Mr.S.S.Sidhu, Advocate
for respondent No.3.

Avneesh Jhingan, J.

The present appeal has been filed against award dated 04.10.2013 passed by Motor Accidents Claims Tribunal, SAS Nagar, Mohali (hereinafter referred to as 'the Tribunal').

In a motor vehicular accident that took place on 10.08.2010, Jaswinder Pal Singh Viridi suffered injuries. In the said accident, the offending vehicle was a Maruti Esteem Car bearing registration No.PB-10-BA-1573. FIR No.111 dated 10.08.2010 was registered at Police Station Sangrur.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed. The Tribunal awarded a sum of Rs.6,13,311/- along with interest @ 6% per annum.

The present appeal has been filed for enhancement of compensation.

The appeal is accompanied by an application for leading additional evidence i.e Ex.PW-1/138 i.e. disability certificate issued by the Medical Board of Government Multi Speciality Hospital, Sector 16, Chandigarh.

Learned counsel for the appellant has argued that the certificate was issued after the passing of award. Therefore, the same could not be produced before the Tribunal. As per the certificate, there is 70% permanent disability.

Learned counsel for the insurer argued that the certificate has to be proved and they should be granted an opportunity to rebut the evidence.

In the facts and circumstances of the case, without expressing any opinion on the merits, the issue regarding enhancement of compensation is remitted back to the Tribunal. It will be decided after taking into consideration the disability certificate now produced subject to the condition that the same may be proved by deposition of the witnesses, if so required. The Insurance Company would have a liberty to adduce additional evidence, if so desired or to rebut the evidence produced by the appellant.

Parties are directed to appear before the Tribunal on 12.07.2018.

Appeal is disposed of.

(AVNEESH JHINGAN)
JUDGE

15.05.2018
anju

1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No