In the High Court of Punjab and Haryana at Chandigarh

FAO- 2001 of 2014
Date of Decision: 12.3.2018

Santosh Rani and others

---Appellants

versus

Harnek Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rahul Rampal, Advocate
for the appellants

Mr. Mrigank Sharma, Advocate,
for respondent No. 2

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Rekha Mittal, J.

The present appeal directs challenge against award dated 18.12.2013 passed by the Motor Accidents Claims Tribunal, Ludhiana (in short "the Tribunal") whereby compensation has been awarded in regard to death of Satnam Lal in a motor vehicular accident that took place on 15.4.2012.

The Tribunal has awarded compensation of Rs. 5,60,000/- alongwith interest.

Counsel for the appellants would urge that income of the deceased assessed by the Tribunal is grossly inadequate as the Tribunal failed to take into consideration income tax returns marked as exhibits P.1 to P.3 which were filed by the deceased himself.

Counsel for the parties are *ad idem* that findings recorded by the Tribunal on issue No. 3 may be set aside and the matter may be remitted to the Tribunal for assessment of compensation afresh by allowing the claimants to examine an official from the Income Tax Department to prove the income tax returns Ex. P1 to P3 and evidence in rebuttal, if any, to be led by the insurance company.

In view of the above, appeal stands disposed of. Findings recorded by the Tribunal only qua issue No. 3 are set aside with a direction to the Tribunal for deciding the said issue afresh on the basis of materials on record and additional evidence to be adduced by the claimants and evidence in rebuttal by the insurance company. The Tribunal shall complete the entire exercise within a period of three months from the parties putting in appearance on 6.4.2018. In the meanwhile, the insurance company shall not recover compensation already paid to the claimants.

(Rekha Mittal)
Judge

12.3.2018
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No