

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

FAO No.2145 of 2015 (O&M)
Date of decision: 23.03.2018

Parveen Sachdeva

.... Appellant

Versus

Surender Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr.R.K.Agnihotri, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for the Insurance Company.

Avneesh Jhingan, J.

The present appeal arises from the award dated 05.01.2015 passed by Motor Accidents Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal').

An accident took place on 04.02.2013. The appellant was waiting for a bus at Devi Lal Chowk, G.T.Road, Karnal. When he was getting on the bus, the driver suddenly started the bus, as a result, the appellant suffered injuries. He was taken to General Hospital, Karnal, from there he was shifted to Haryana Nursing Home, Karnal. FIR No.144 dated 04.02.2013 was registered at Police Station City Karnal.

A claim petition under Section 166 of Motor Vehicles Act, 1988 was filed. Before the Tribunal, it was proved by the deposition of PW2 Dr.K.L.Sachdeva that the appellant sustained injuries in a roadside accident and there was fracture shaft femur right for which he was operated upon and nailing

was done.

The Tribunal awarded a sum of Rs.88,577/- along with interest @ 7.5% per annum.

The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant argued that there was a permanent disability as a result of the accident and hence the compensation awarded is on the lower side. The permanent disability certificate was not produced either before the Tribunal or in this Court. Learned counsel seeks time to produce the permanent disability certificate.

Learned counsel for the Insurance Company argued that at this stage additional evidence should not be accepted. In any case, the Insurance Company should be given an opportunity to verify the same and oppose it. At this stage, no case for enhancement is made out as the said certificate is not on record.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal, if the appellant produces the disability certificate before the Tribunal, the Tribunal may consider the same subject to the legal objections raised by the Insurance Company.

The parties are directed to appear before the Tribunal on 31.05.2018.

The appeal is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

23.03.2018
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1. Whether the order is speaking/reasoned: Yes/No
2. Whether the order is reportable : Yes/No