

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

FAO No.4397-2013 (O&M)
Date of decision: 20.04.2018

Daljit Singh

.... Appellant

versus

Pargat Singh & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arvind Kashyap, Advocate
for the appellant.

Mr. Harsh Aggarwal, Advocate
for the respondents.

Avneesh Jhingan, J.(Oral)

The appeal has been filed against the award dated 01.06.2012 passed by Motor Accident Claims Tribunal, Fatehgarh Sahib (for short 'Tribunal').

Daljit Singh, aged 38 years, met with a motor vehicular accident on 26.12.2007. He was returning to Fatehgarh Sahib on a scooter No.PB-52-9681, near village Wazidpur a truck bearing registration No.PB-13-C-0771 being driven rashly and negligently by respondent No.1 struck the scooter. As a result of the accident, appellant suffered injuries. He was taken to Baba Nursing Home, Bassi Pathana. FIR No.181 dated 26.12.2007 (wrongly typed in the award as 16.12.2007) under Sections 279, 337, 338 and 427 was registered.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), Tribunal awarded a compensation of Rs.2,55,000/- along with interest @ 7.5% per annum.

The present appeal has been filed for enhancement of compensation.

During the pendency of appeal, right leg of the appellant was amputated. As a result, there was 75% permanent disability of the limb for which Disability Certificate dated 16.08.2013 (Annexure P-1) was placed on record.

Learned counsel for the appellant has argued that as a result of the injuries sustained, there were subsequent complications, as a result leg of the appellant was amputated. The appellant had to take treatment even after passing of the award.

Learned counsel for the insurer of the offending vehicle argued that since the Disability Certificate has been produced in appeal, they have got no opportunity to verify or to rebut the said certificate.

Without expressing any opinion on the merits of the case, the matter is remanded back to the Tribunal to decide the issue of enhancement taking into consideration the Disability Certificate produced.

Parties would be at liberty to adduce fresh evidence in support of their case, if so desire. Parties are directed to appear before the Tribunal on 30.05.2018. It is, however, clarified that the amount already awarded would not be affected by the remand.

20.04.2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No