

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

FAO No.4244 of 2014 (O&M)

Date of decision: 30.04.2018

Karamjit Singh

.... Appellant

Versus

Dhanjibhai Mangalbhai Chande and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr.Anil Kumar Saini, Advocate  
for the appellant.

Mr. Neeraj Khanna, Advocate for  
Mr. Deepak Suri, Advocate  
for respondent No.3-Insurance Company,

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**Avneesh Jhingan, J.**

The present appeal has arisen from the award dated 29.10.2013 passed by Motor Accidents Claims Tribunal, Bathinda (hereinafter referred to as 'the Tribunal').

The appellant met with a motor vehicular accident on the intervening night of 20/21.01.2009. He was hit by a rashly and negligently driven Accent Car bearing registration No.MH-02-MA-0193. As a result of the accident, he suffered injuries including fracture of legs. He was hospitalised and was operated upon. FIR No.16 dated 21.1.2009 was registered.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed. In order to support his claim, medical bills and disability certificate were produced. Dr. Gurinder Singh Mann was

examined as CW3.

The Tribunal awarded a lump sum compensation of Rs.20,000/- along with interest @ 9% per annum. The Tribunal held that the disability certificate has not been proved by the deposition of the doctor and the medical bills produced were not duly proved.

From the perusal of the record, it is evident that the disability certificate has been issued from the office of the Civil Surgeon, Bhatinda. The doctor, who appeared before the Tribunal, proved the admission of the appellant in the hospital and the fact that he was operated upon.

In such circumstances, without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the matter after providing opportunity to both the parties to adduce evidence in support of their case.

Parties are directed to appear before the Tribunal on 31.05.2018.

The appeal is disposed of accordingly.

**(AVNEESH JHINGAN)**  
**JUDGE**

**30.04.2018**

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

2. Whether the order is reportable : Yes/No