

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

242

**Date of decision: 18.07.2018**

**FAO-1904-2016 (O&M)**

NEENA AND ANR

... Appellants

Versus

RINKI AND ORS

... Respondents

**FAO-2616-2016 (O&M)**

RELIANCE GEN. INSURANCE CO. LTD.

... Appellant

Versus

RINKI AND ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Sanjeev Kodan, Advocate for the insurance company.

Mr. Vishal Aggarwal, Advocate  
for the appellants in FAO No.1904 of 2016 and  
for respondents No.4 and 5 in FAO No.2616 of 2016.

Mr. Kuldip Sanwal, Advocate for respondents No.1 to 3.

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**REKHA MITTAL, J. (Oral)**

This order will dispose of FAO Nos.1904 and 2616 of 2016 as these have emerged out of the same award dated 09.02.2016 passed by the Motor Accidents Claims Tribunal, Ludhiana whereby compensation has been assessed on account of death of Naveen Kumar in a motor vehicular accident that took place on 16.05.2015.

The Tribunal has assessed compensation of Rs.37,52,000/- but the amount has been apportioned amongst the widow and two minor children of the deceased and no compensation has been allowed to Mrs. Neena, mother of the deceased Naveen Kumar.

Counsel for the parties are *ad idem* that the assessment made by the Tribunal may be set aside and the matter be remitted to the Tribunal for making the assessment afresh on the basis of materials already on record and a witness to be examined by the claimants from Head Start International Pvt. Ltd. with regard to employment and income of deceased Naveen Kumar. It has further been agreed that even the question 'whether the mother would be entitled to compensation out of assessment made by the Tribunal' would be decided by the Tribunal after hearing the parties, in accordance with law.

In view of the above, the appeals are disposed of. The assessment made by the Tribunal is set aside and the matter is remitted to the Tribunal for making assessment afresh on the basis of materials already on record and additional evidence to be adduced by the claimants and evidence in rebuttal to be led by the insurance company. It is also open to be decided by the Tribunal, if mother of the deceased would be entitled to apportion compensation assessed afresh. In the meantime, the insurance company shall not be entitled to recover the compensation already paid to the claimants. The parties through their counsel are directed to appear before the Tribunal on 17.08.2018. The Tribunal is directed to complete exercise of re-assessment within four months from the date of parties putting in appearance.

**18.07.2018**

ashok

**(REKHA MITTAL)  
JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No