

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

FAO-8180-2014 (O&M)
Date of decision: 09.01.2018

OM PARKASH ...Appellant

Versus

MADHU & ORS ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. A.K. Goel, Advocate
for the appellant.

Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate
for respondent No.3.

REKHA MITTAL, J. (Oral)

The present appeal has been directed against award dated 26.02.2014 passed by the Motor Accidents Claims Tribunal, Bhiwani whereby the Tribunal has awarded lumpsum amount of Rs.3,40,000/- to the claimant, detailed in para 37 of the award.

Counsel for the claimant has argued that the injured suffered 100% permanent disability and compensation for future loss of income is liable to be assessed by adopting an appropriate multiplier and giving benefit of increase in income for future prospects in the light of various judgments passed by Hon'ble the Supreme Court.

Counsel for the parties are *ad idem* that assessment made by the Tribunal may be set aside and the matter be remitted to the Tribunal for

making assessment afresh on the basis of materials on record in the light of catena of judgments of Hon'ble the Supreme Court dealing with the question of assessment of compensation where the injured has suffered permanent disability particularly disability to the extent of 100%.

In view of the above, the appeal is disposed of. The assessment of compensation made by the Tribunal is set aside. The matter is remitted to the Tribunal for reassessment of compensation by taking into consideration judgment of Hon'ble the Supreme Court **Raj Kumar Vs. Ajay Kumar and others, 2011(2) RCR (Civil) 101** and various other judgments on the issue after hearing the parties, in accordance with law. In the meanwhile, the insurance company shall not recover compensation already paid to the claimant. The parties through their counsel are directed to appear before the Tribunal on 29.01.2018. The Tribunal shall complete reassessment within a period of two months from the parties putting in appearance.

09.01.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No