

222 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO No. 7613 of 2016 (O&M)

Date of Decision: 01.11.2018

Manish Kumar

.....Appellant

Versus

Rajnish and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Jain, Advocate,
 for the appellant.

 Mr. Raj Kumar Basamboo, Advocate,
 for respondent No. 3.

 Mr. Vandana Malhotra, Advocate,
 for respondent No. 6.

AVNEESH JHINGAN, J (Oral) :

 The present appeal is against the award dated 04.04.2016 passed by the Motor Accident Claims Tribunal, Gurgaon, (for short 'the Tribunal') in MACT Case No. 99 of 12.10.2015 for enhancement of compensation.

2. The brief facts of the case are that in a motor vehicle accident that occurred on 27.03.2012. The appellant was travelling in XUV 500 bearing Registration No. HR-99-LG-HQ(Temp)-3564, a Truck bearing Registration No. HR 46B-3245 (for short 'the offending vehicle') came from Sector-56 side and directly hit the car (XUV 500), as a result of which appellant suffered injuries.

3. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), was filed. The Tribunal after considering the facts and appreciating the evidence adduced, awarded a

sum of Rs. 4,74,675/-, along with interest @ 9 % per annum.

4. Learned counsel for the appellant contended that as a result of the accident the appellant suffered head injury, which resulted in permanent disability. He further stated that the expenses reimbursed by the insurance company under the medical claim policy was wrongly deducted.

5. Learned counsel for the insurer argued that no such proof regarding permanent disability was produced.

6. Keeping in view the facts and circumstances of the case, the matter is remitted back to the Tribunal to decide the issue of enhancement of compensation afresh after providing opportunity to the parties to adduce evidence in support of their claim.

7. As, the appellant is being given an opportunity to produce the evidence regarding permanent disability, the legal objections available to the insurer are kept open to be raised before 'the Tribunal'.

8. Parties are directed to appear before the Tribunal on 03.12.2018.

9. The appeal is disposed of, accordingly.

November, 1st 2018

Ajay Goswami

**[AVNEESH JHINGAN]
JUDGE**

- 1. Whether speaking/ reasoned : Yes/ No
- 2. Whether reportable : Yes/ No