

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No. 3359 of 2017

Date of Decision: 10.12.2018.

Mohd. Asif Saifi

.....Appellant

**Versus**

Jitender Arora and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Shiv Kumar, Advocate  
for the appellant.

Mr. Sanjeev Kodan, Advocate  
for respondent No.2-Insurance Company.

**AVNEESH JHINGAN, J.(oral)**

The appellant is in appeal against the award dated 21.1.2017 passed by Motor Accident Claims Tribunal, Faridabad (for short 'the Tribunal').

The brief facts necessary for adjudication of the present appeal are that on 11.4.2015 appellant was driving motor cycle bearing registration No.DL-13STC-0005. When he reached near T-Point, Sector 16A Faridabad, his motor cycle was struck by a rashly and negligently driven Skoda Car bearing registration No.HR-29AV-9350. As a result of the impact, the appellant sustained injuries and was taken to Metro Hospital, Sector 16, Faridabad, from where he was shifted to Safdarjung Hospital Delhi. Thereafter, he took treatment from Khan Clinic, Sonapat and from Shanti Mukand Hospital, Delhi. FIR No.194 dated 14.4.2015 was registered at Police Station Central, Faridabad.

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 held that the accident was caused due to rash and negligent driving of the offending vehicle. The

driver-cum-owner and insurer of offending vehicle were held jointly and severally held liable to pay the compensation. The Tribunal awarded a sum of Rs.2,64,700/- along with interest at the rate of 7.5% per annum. The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant contended that the medical bills produced as Ex.P92 to Ex.P180 have not been considered by the Tribunal while awarding the compensation. He further contended that the said bills were ignored stating that these bills were not put to witnesses i.e. Dr. Manoj Bansal-PW5 and Dr. Manoj Goyal-PW6.

Learned counsel for the appellant contends that the amount spent on the medical treatment by way of these bills should be reimbursed. In any case an opportunity be provided to him to prove the same.

Learned counsel for the insurer defended the award and resisted any further enhancement. He further argued that in case an opportunity is provided to the appellant to prove the bills, the insurer should also be given an opportunity to rebut the same.

Keeping in view the facts of the case, the matter with regard to quantum of compensation is remitted back to the Tribunal to decide the issue afresh after affording an opportunity to the parties to adduce evidence in support of their claims. It is, however, clarified that the only issue is regarding non-consideration of bills Ex.P92 to Ex.P180. The issue would be decided in accordance with law. The parties are directed to appear before the Tribunal on 22.1.2019.

**10.12.2018**

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

Whether speaking/reasoned  
Whether Reportable:

Yes/No  
Yes/No