

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

FAO No. 6110 of 2017
DATE OF DECISION : 15.05.2018

Arun

....APPELLANT

Versus

Raj Kumar and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Kulwant Singh Dhanora, Advocate, for the appellant.
Mr. Lalit Garg, Advocate, for respondent No.3.

* * *

AVNEESH JHINGAN, J. (Oral)

This appeal has been filed against the award dated 11.01.2017 passed by the Motor Accident Claims Tribunal, Sirsa (for short, 'the Tribunal').

2. The appellant met with a motor vehicular accident on 10.05.2012. He was driving Tata Sumo bearing registration No. HR-55D-6512 and the offending vehicle in the accident was truck bearing registration No. HR-46-5584. FIR No. 71 dated 12.05.2012 was registered.

3. A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed claiming compensation for the injuries suffered in the accident.

4. The Tribunal awarded a sum of ₹ 1,06,760/- along with interest at the rate of 9% per annum. The driver, owner and the insurer of the offending vehicle were held liable to pay the compensation amount jointly and severally.

5. The present appeal has been filed for enhancement of compensation.
6. Learned counsel for the appellant argued that the disability certificate was produced before the Tribunal as Ex.P13 but the same has been ignored as the doctor was not examined. He submitted that one opportunity may be afforded to the appellant to examine the doctor and prove the permanent disability certificate and effect of the said disability.
7. Learned counsel for the insurer argued that since the doctor was not examined, therefore, the disability of the appellant cannot be taken into account. In the alternative, he argued that in case the appellant is allowed to examine the doctor, the insurer should be afforded an opportunity to rebut the evidence and the witnesses to be produced by the appellant.
8. Without expressing any opinion on the merits of the case, since the disability certificate was already on record, the matter is remitted back to the Tribunal and the appellant is granted an opportunity to support and prove the said certificate. The parties would be at liberty to adduce fresh evidence in support of their respective cases and to rebut the evidence produced by the other party.
9. Both the parties are directed to appear before the Tribunal on July 10, 2018.
10. The appeal is disposed of accordingly.

May 15, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No