

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

**FAO No. 526 of 2018 (O&M)
DECIDED ON: NOVEMBER 30, 2018**

JATIN KAUSHIK

.....APPELLANT

VERSUS

BANWARI RAM AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rakesh Dhiman, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No.2-Insurance Company

AVNEESH JHINGAN, J (ORAL)

The present appeal has been filed against the award dated 10.03.2017 passed by Motor Accident Claims Tribunal, Gurugram (for short 'the Tribunal') seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for brevity 'the Act').

2. The driver-cum-owner of car bearing registration No. HR-26-BJ-7974 (hereinafter referred to as 'offending vehicle') and insurer of the offending

vehicle i.e. National Insurance Co. Ltd. have been arrayed as respondents No.1 and 2 respectively in the appeal.

3. The brief facts are that appellant suffered injuries in a motor vehicular accident that took place on 11.10.2015. FIR No. 462, dated 11.10.2015 under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860 was registered.

4. A claim petition under Section 166 of the Act was filed before the Tribunal.

5. 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 owner-cum-driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation. The Tribunal awarded a compensation to the tune of ₹1,00,000/- alongwith interest @9% per annum.

6. The present appeal has been filed seeking enhancement of compensation. Alongwith appeal an application has been moved for leading additional evidence by way of producing medical bills amounting to ₹ 1,38,425/-.

7. Learned counsel for the appellant contended that the said bills were not readily available and could not be filed alongwith the claim petition. Further grievance raised is that no amount has been awarded for loss of marriage prospects.

8. Learned counsel for the insurer contended that the bills are being produced first time in the appeal and the same needs to be proved and verified.

9. Keeping in view the facts of the case, it is necessary that before

considering the bills the same would be required to be proved and an opportunity has to be given to the insurer to verify the same.

10. The matter with regard to enhancement of compensation is remitted back to the Tribunal. Copy of bills appended with the application filed before this Court be sent to Tribunal.

11. Appellant and insurer are directed to appear before the Tribunal on 16.01.2019.

12. Disposed of.

NOVEMBER 30, 2018
sham

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned ***Yes/No***
Whether reportable ***Yes/No***