

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 19 of 2019 (O&M)

Date of Decision: 23.05.2019

National Insurance Company Limited

.....Appellant

Versus

Jasbir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Argued by: Mr. D.R. Bansal, Advocate
for the appellant.

Mr. Neeraj Madaan, Advocate
for respondents No. 1 and 2.

Mr. D.S. Sidhu, Advocate
for respondents No. 3 and 4.

AVNEESH JHINGAN, J.(oral)

The award dated 25.7.2018 passed by Motor Accident Claims Tribunal, Fazilka, (hereinafter referred to as 'the Tribunal') has been assailed by the insurer of Mini School Bus bearing registration No. PB-05-AB-9532 (for short 'the offending vehicle').

The factum of accident has not been disputed. There is no challenge to the finding recorded by the Tribunal with regard to rash and negligent driving. No grievance has been raised with regard to liability to pay compensation.

The grievance raised by learned counsel for the appellant is that though issue No.2-"*If issue No.1 is proved, whether the claimants are entitled to compensation, if so to what extent?*" was specifically framed but the Tribunal failed to decide as to whether the claimants were dependant upon the deceased or

Learned counsel for the claimants argues that the claimants are the brother and sister of the deceased and they were dependant on deceased.

For deciding the said issue, certain factual aspects have to be decided which may require adducing of evidence.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide Issue No.2, afresh, after affording opportunity to the parties.

While issuing notice of motion on 9.1.2019, following order was passed:

"Notice of motion for 2.5.2019.

In the meantime, disbursement of compensation awarded shall remain stayed beyond 50%."

It is clarified that the interim order shall continue till the decision of the remand proceedings.

Disposed of accordingly.

23.05.2019
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No