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

**FAO No.1898 of 2019 (O&M)
Date of Decision : 22.04.2019**

United India Insurance Company Ltd.

Appellant

Versus

Ritika Singhal and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashwani Talwar, Advocate and
Mr. Lalit Kumar, Advocate
for the appellant.

Mr. Amandeep Singh, Advocate and
Mr. S.K. Aggarwal, Advocate
for the respondents.

AVNEESH JHINGAN, J (Oral)

This is an appeal filed by the Insurer of Truck bearing registration No. HR-64-6695 [hereinafter referred to as 'offending vehicle'] against the award dated 05.11.2018 passed by the Motor Accident Claims Tribunal, Kaithal [for brevity 'the Tribunal'].

There is no dispute between the parties with regard to factum of accident. The accident was result of rash & negligent driving of the offending vehicle and Insurance Company is liable to pay the compensation. The only bone of contention is the quantum of compensation.

The grievance raised by learned counsel for the insurer is that the tribunal has relied upon only one Income Tax Return, which was filed after the death of Amit Singhal (deceased). It is argued

that no Returns for earlier period have been placed on record.

Learned counsel for the claimants argues that the deceased was Income Tax Payee and was filing Income Tax Returns for several years. He further states that if the said objection had been taken earlier, the claimants would have produced the Returns of previous years.

Without expressing any opinion on the merits of the case, the matter only with regard to quantum of compensation is remitted back to the Tribunal to be decided afresh in accordance with law.

The Tribunal shall provide opportunity to the insurer and the claimants to adduce fresh evidence in support of their claims.

The challenge is mainly to the income assessed, there is no dispute that claimants are entitled to compensation. The accident is of year 2017. The claimants have not got even a single penny till date. As an interim measure in the meanwhile, the Insurer shall deposit ₹10,00,000/- with the Tribunal, which shall be disbursed to the claimants.

The parties are directed to appear before the Tribunal on 30.05.2019.

The appeal is disposed of.

[AVNEESH JHINGAN]
JUDGE

April 22, 2019

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