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

**FAO No.4876 of 2009 (O&M)
Date of Decision: 22.01.2019**

Lalit Kumar

Appellant

Versus

Mohd. Rahis Saifi and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Rajni Rohilla, Advocate for
Mr. Manoj Kumar Rohilla, Advocate
for the appellant.

Mr. Arvind Galav, Legal Aid Counsel
for respondent No.1.

AVNEESH JHINGAN, J (Oral):

The award dated 15.04.2009 passed by the Motor Accident Claims Tribunal, Panipat [for brevity 'the Tribunal'] has been assailed by the claimant seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'] for the injuries sustained by him in the motor vehicular accident.

The facts in brief are that a motor vehicular accident took place on 22.01.2007. The offending vehicle involved in the said accident was motorcycle bearing registration No. HR-6L-6029. In the said accident, Lalit Kumar suffered injuries. FIR No. 14, dated 26.01.2007 was registered at Police Station Sadar, Panipat.

A claim petition was filed under Section 166 of the Act. The Tribunal after considering the facts and appreciating the evidence

adduced held that the accident was caused due to the rash and negligent driving of the offending vehicle. An amount of Rs.90,000/- was awarded as compensation. The present appeal has been filed for enhancement of compensation. During the pendency of the appeal, an application for adducing additional evidence has been filed. A Certificate of disability was also attached in which it has been certified that the applicant has suffered 34% permanent disability.

Learned counsel for the appellant contends that the Disability Certificate was issued subsequent to the passing of the award and the same could not be produced before the Tribunal.

Learned legal aid counsel argues that in case the Certificate of permanent disability is to be produced, the same needs to be proved and verified.

Since factual aspects need to be decided before taking into consideration the Disability Certificate, the matter with regard to quantum of compensation is remitted back to the Tribunal to be decided afresh after affording opportunity to the parties to adduce evidence in support of their claims. A copy of the Disability Certificate annexed with the application be sent to the Tribunal. The matter shall be decided after issuing notice to the respondents.

The appeal is disposed of in the aforesaid terms.

[AVNEESH JHINGAN]
JUDGE

January 22nd, 2019
pankaj baweja

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