

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No. 3583 of 2013 (O&M) and
XOBJC No. 219-CII of 2014 (O&M)
DECIDED ON: MAY 22, 2019

KULDEEP KAUR AND OTHERS

.....APPELLANTS

VERSUS

MUKESH VERMA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.K. Saini, Advocate,
for the appellants.

Mr. D.R. Bansal, Advocate,
for respondent No.3/cross-objector.

AVNEESH JHINGAN, J (Oral):

The award dated 03.11.2012 passed by the Motor Accident Claims Tribunal, Kurukshetra (for brevity 'the Tribunal') in MACT Case No. 92 of 2011, has been assailed by the legal representatives of Swaran Singh (deceased) seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') on account of injuries sustained by Swaran Singh (deceased) in a motor vehicular accident.

The driver, owner and insurer (i.e. United India Insurance Co. Ltd.) of car bearing registration No. HR-05-AB-8063 (hereinafter referred to as 'offending vehicle') have been arrayed as respondents No.1 to 3 respectively in the appeal. The driver, owner and insurer (i.e. New India

Assurance Co. Ltd.) of bus bearing registration No. HR-65-5807 have been arrayed as respondents No.4 to 6.

The insurer of the offending vehicle has also filed the cross-objections.

The factum of accident is not disputed by the parties. There is no challenge to the involvement and rash and negligent driving of the offending vehicle. There is no dispute between the parties with regard to liability to pay compensation. The issue is only with regard to quantum of compensation.

In the cross-objections the issue raised by the insurer is that the deceased died during the pendency of claim petition i.e. on 24.06.2012. The said fact was not brought into the notice of the Tribunal.

The fact that the deceased died during the pendency of the claim petition would have effect on the quantum of compensation.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue with regard to quantum of compensation afresh after providing opportunity to the legal representatives of Swaran Singh and the insurer of the offending vehicle.

Parties are directed to appear before the Tribunal 31.07.2019.

Disposed of accordingly.

**(AVNEESH JHINGAN)
JUDGE**

MAY 22, 2019
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>