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

FAO No.4424 of 2014

Date of Decision: 31.05.2019

Mohd. Israr

Appellant

Versus

Javed and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Shelja Sharma, Advocate for
Mr. Rajesh Lamba, Advocate
for the appellant.

Ms. Sheenu Sura, Advocate
for the respondent-Insurer.

AVNEESH JHINGAN, J (Oral):

Aggrieved of award dated 28.02.2014 passed by the Motor Accident Claims Tribunal, Mewat [for brevity 'the Tribunal'], the claimant has filed the present appeal.

In the claim proceedings, following issues were framed:-

- “1. Whether the accident in question resulting into multiple injuries to petitioner took place on 19.06.2012 in the jurisdiction of Police Station Nuh, because of rash and negligent driving of the vehicle bearing registration No. HR-38P-7953 by its driver/respondent No.1?OPP*
- 2. If issue No.1 is proved, whether the petitioner is entitled to compensation. If so, to what amount and from whom?OPP*
- 3. Whether respondent No.1 was not having a valid and effective driving licence at the time of accident. If so, to what effect?OPR-3*
- 4. Whether respondent No.2 has violated the terms and conditions of the insurance policy, as alleged. If so, to what effect?OPR-3*
- 5. Relief.*

With regard to issue No.1, following findings were recorded:-

“Therefore, in this scenario, there is no hitch in holding that the accident in question has taken place due to rash and negligent driving of respondent No.1. Accordingly, findings of issue No.1 are returned against the petitioner.”

With regard to issue No.2, the Tribunal opined that the appellant had got reimbursement of medical expenses from his employer and the claim petition was dismissed.

From perusal of the findings recorded by the Tribunal with regard to issue No.1, it is evident that there is a clerical error. After recording that accident was result of rash and negligent driving of the offending vehicle, the issue was decided against the petitioner. In such circumstances, the conclusion of issue No.1 cannot be sustained.

There is no challenge to findings recorded that accident was result of rash and negligent driving of offending vehicle. The matter with regard to quantum of compensation is remitted back to the Tribunal to be decided afresh in accordance with law. Needless to add that in case there was some reimbursement of medical expenses to the claimants, same would also be considered by the Tribunal.

Parties are directed to appear before the Tribunal on 08.08.2019.

Disposed of accordingly.

**[AVNEESH JHINGAN]
JUDGE**

May 31, 2019

<i>pankaj baweja</i>	1. Whether speaking/ reasoned	:	Yes
	2. Whether reportable	:	No