

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 6195 of 2014

Date of Decision: 28.03.2019

Charanjit Kaur

.....Appellant

Versus

Amrik Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. H.S. Jalal, Advocate
for the appellant.

Mr. S.S. Sidhu, Advocate
for respondent No.4.

AVNEESH JHINGAN, J.(oral)

The present appeal is against award dated 2.4.2014 passed by Motor Accident Claims Tribunal, Bathinda (for short 'the Tribunal') seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') on account of injuries sustained by the appellant in a motor vehicular accident.

The facts with regard to accident are not disputed by the parties.

The appellant sustained injuries in a motor vehicular accident that took place on 12.9.2011. As a result of injuries, she suffered permanent disability to the extent of 25% qua left leg. She was working as a Physical Education Instructor (sports coach) in Kendriya Vidyalaya on contract basis. The Tribunal awarded a sum of ₹ 10,30,000/- which included medical expenses of ₹ 6,26,963/-.

The grievance raised in the present appeal is that multiplier method

has not been applied and the amounts awarded under pecuniary and non-pecuniary heads are on lower side.

Learned counsel for the insurer defended the award.

It has been proved on record that the appellant was working as Physical Education Instructor (sports coach) and in order to apply the multiplier method, it would require to assess as to what was the effect of the injuries on her functional ability. The job she was doing was such which would be affected by the restricted movement of the leg.

In such circumstances, without expressing any opinion on the merits of the case, the matter is remanded back to the Tribunal to be decided afresh on quantum of compensation after providing opportunity to the parties to adduce evidence in support of their claims.

Parties are directed to appear before the Tribunal on 7.5.2019.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

28.03.2019

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Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No