

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

**FAO No.4513 of 2016 (O&M)
Date of Decision: 28.02.2019**

Vaijanti

Appellant

Versus

Shaukat and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ram Bilas Gupta, Advocate
for the appellant.

Mr. Varun Sharma, Advocate for
Mr. Satpal Dhamija, Advocate
for respondent No.2-Insurance Company.

AVNEESH JHINGAN, J (Oral):

This is an appeal filed against award dated 17.12.2015 passed by the Motor Accident Claims Tribunal, Faridabad [for brevity 'the Tribunal'].

[2] Brief facts of the case are that the claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'] by widow of Naurang (deceased). The said claim petition was dismissed on the ground that the claimant failed to prove that the alleged accident resulted in death of Naurang, and took place due to rash and negligent driving of Truck bearing registration No. HR-74-7747 [hereinafter referred to as 'offending vehicle'].

[3] Learned counsel for the appellant relies upon the award passed by the Motor Accident Claims Tribunal, Ittawa arising from the same accident in which the claim petition was filed by the parents of Khushboo seeking compensation for her death. He contends that the award has been passed holding that the accident in question in the present appeal, occurred due to the rash and negligent driving of the offending vehicle.

[4] Without expressing any opinion on the merits of the case, the impugned award is set aside. The matter is remitted back to the Tribunal to be decided afresh after affording opportunity to the parties to adduce fresh evidence in support of their claims, if so desired. The Tribunal shall also consider the effect of the award passed by the Motor Accident Claims Tribunal, Ittawa.

[5] The parties shall appear before the Tribunal on 11.04.2019.

[6] The appeal is disposed of.

[AVNEESH JHINGAN]
JUDGE

February 28, 2019

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