

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

**FAO No.5024 of 2016
Date of Decision: 07.02.2019**

Smt. Nita Rani and another

Appellants

Versus

Vinod Kumar and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashwani Arora, Advocate
for the appellants.

Mr. R.C. Kapoor, Advocate
for respondent No.2.

AVNEESH JHINGAN, J (Oral):

The award dated 26.11.2015 passed by the Motor Accident Claims Tribunal, Patiala [for brevity 'the Tribunal'] has been assailed by legal heirs of Bharti Kalra, aged 28 years seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

[2] Brief facts necessary for adjudication of the present appeal are that a motor vehicular accident occurred on 02.02.2012, which proved fatal for Bharti Kalra. The Tribunal after considering the facts and evidence adduced held that the accident was caused due to the rash and negligent driving of the Car bearing registration

No. HR-26U-3533 [hereinafter referred to as 'offending vehicle']. The Tribunal awarded ₹7,50,220/- alongwith interest @ 9% per annum. The amount awarded included ₹25,000/- for funeral expenses. The insurer of the offending vehicle was held liable to pay the compensation.

[3] The Tribunal assessed income of the deceased as ₹7,110/- per month; ½ deduction for self-expenses was made and multiplier of '17' was applied.

[4] Learned counsel for the appellants contends that no future prospects have been awarded; amounts awarded under the conventional heads are on the lower side and medical bills produced and proved before the Tribunal have not been considered.

[5] Learned counsel for the insurer contends that the Tribunal has not dealt with the issue of medical bills and this factual aspect needs to be verified and looked into, for which evidence may be required to be adduced.

[6] Considering the facts and circumstances of the case, the issue with regard to quantum of compensation is remitted back to the Tribunal. The Tribunal shall decide the same in accordance with law after considering the original medical bills produced alongwith deposition proving the said evidence.

[7] Needless to add that the future prospects and compensation under conventional heads shall be considered in accordance with the various decisions of the Supreme Court in this regard.

[8] Since liability to pay the compensation is of insurance company only, the appellants and respondent No.2 (Insurer) are directed to appear before the Tribunal on 28.03.2019.

[9] Disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

February 07, 2019

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1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No