

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

221

FAO No.5749 of 2016 (O&M)

Date of decision: 25.01.2019

JAI BHAGWAN

... Appellant

Versus

BALRAJ AND ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Sandeep Saini, Advocate for  
Mr. Rajesh K. Sheoran, Advocate for the appellant.  
Mr. Sandeep Suri, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

**CM-19773-CII-2016**

Heard.

Allowed as prayed for. Delay of 65 days in filing the appeal stands condoned.

**Main Case**

The claimant is in appeal seeking enhancement of compensation on account of injuries sustained in a motor vehicular accident that took place on 12.02.2014.

The Tribunal has awarded a consolidated compensation of Rs.2,50,000/- in the case where the injured has suffered disability to the extent of 43%.

Counsel for the parties are ad idem that assessment of compensation made by the Tribunal may be set aside and matter is remitted to the Tribunal for making assessment afresh in the light of various judgments of Hon'ble the Supreme Court, on the issue.

In view of the above, the appeal stands disposed of, findings of the Tribunal on issue No.2 are set aside and the matter is remitted to the Tribunal for making assessment of compensation afresh on the basis of materials already on record. The Tribunal will assess the compensation headwise in the light of judgment of Hon'ble the Supreme Court **Raj Kumar Vs. Ajay Kumar and others, 2011(2) RCR (Civil) 101** and other judgments relevant in the context. The parties through their counsel are directed to appear before the Tribunal on 14.02.2019. The Tribunal shall

decide the question of assessment within two months of the parties putting in appearance. In the meanwhile, the insurance company shall not be entitle to recover the compensation already paid to the injured.

25.01.2019

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**(REKHA MITTAL)**  
**JUDGE**

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|----------------------------|----------|
| Whether speaking/reasoned: | Yes / No |
| Whether reportable:        | Yes / No |