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

**FAO No.602 of 2016 with
XOBJC No.176-CII of 2016
Date of Decision: 25.03.2019**

Reliance General Insurance Co. Ltd.

Appellant

Versus

Anita Devi and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Subhash Goyal, Advocate
for the appellant.

Mr. D.S. Adlakha, Advocate
for respondents No.1 to 4 / Cross-Objectors.

AVNEESH JHINGAN, J (Oral):

The award dated 18.11.2015 passed by the Motor Accident Claims Tribunal, S.A.S. Nagar (Mohali) [for brevity 'the Tribunal'] has been assailed in appeal by the insurer of Maruti Van bearing registration No. HR-01X-9587 [hereinafter referred to as 'offending vehicle']. In the said appeal, the claimants have filed cross-objections. The issue in the appeal and cross-objections is with regard to quantum of compensation.

[2] The facts regarding accident have not been disputed. There is no dispute with regard to liability to pay.

[3] The bone of contentions in the appeal and cross-

objection are :

- (i) that a Salary Certificate was produced showing that the deceased was an employee of Nahar Industrial Corporation Limited, Lalru, but the said Certificate was not proved;
- (ii) that the deceased was having fixed wages, thus 50% future prospects have wrongly been given instead of 40%;
- (iii) that father of the deceased was dependent upon the earning of Ravinder Kumar or not; and
- (iv) amounts awarded under the conventional heads are on the higher side.

[4] The legal position with regard to future prospects and deduction for self-expenses is well settled by the Supreme Court. Only the factual aspects are to be decided, namely whether the father of deceased was dependant, secondly deceased had a permanent job or not?

[5] Learned counsel for the respondents/cross-objectors states that if opportunity is provided, the Salary Certificate can be duly proved.

[6] As certain factual aspects would be requiring adducing of evidence for which the other party should be given an opportunity to verify and rebut the same, without expressing any opinion on the merits of the case, the issue only with regard to quantum of compensation is remitted back to the Tribunal to decide the same afresh after affording opportunity to the parties

to produce fresh evidence in support of their claims.

[7] The parties are directed to appear before the Tribunal
on 30.04.2019.

[8] The appeal and cross-objections are disposed of
accordingly.

[AVNEESH JHINGAN]
JUDGE

March 25, 2019
pankaj baweja

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

:

No