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

**FAO No. 7712 of 2015
DECIDED ON: JANUARY 09, 2019**

MAHENDER SINGH

.....APPELLANT

VERSUS

MOHIT AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Arun Chaudhary, Advocate for
Mr. Nonish Kumar, Advocate
for the appellants.

Mr. Eklavya Kumar, Advocate
for respondent No.3-Insurance Co.

AVNEESH JHINGAN, J (ORAL)

The present appeal has been filed against the award dated 03.09.2015 passed by the Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal').

The brief facts for the adjudication of the present case are that a motor vehicular accident took place on 13.02.2013. The vehicles involved in the accident were a car bearing registration No. HR-05-AF-6868 and a motorcycle bearing registration No. HR-05-W-3969. As a result of the accident, the appellant suffered grievous injuries.

The Tribunal after considering the facts and appreciating the evidence adduced, awarded a compensation to the tune of ₹2,58,200/- alongwith interest @9% per annum. The amount awarded included ₹2,00,000/- lump-sum for costs of medicines and hospital charges.

Heard learned counsel for the parties and perused the relevant documents produced by them.

Learned counsel for the appellant contendes that the hospital bills and medicine bills were exhibited before the Tribunal and have been duly mentioned in para 15 of the award. His grievance is that the said bills have not been considered by the Tribunal and a lump-sum amount has been awarded. His further grievance is that the Tribunal while awarding compensation under the various heads has not taken into consideration the period of hospitalization and the nature of treatment undergone.

Learned counsel for the insurer defends the award and argues that only the bills were produced but the same were not proved either by producing a doctor or a chemist. He further argues that even no medical prescriptions were produced.

It is not in dispute that the bills of the hospital and of medicines etc. were duly produced by the claimant before the Tribunal but the same were not substantiated. It would not be appropriate to consider the bills at this stage without affording an opportunity to the insurer to verify and to rebut the same.

The matter is remitted back to the Tribunal to decide the issue of quantum afresh, after affording an opportunity to both the parties to adduce evidence in support of their claims. It is, however, clarified that fresh evidence shall be adduced only qua the documents already produced before the Tribunal.

The Tribunal shall also take into consideration the period of hospitalization and nature of treatment undergone for awarding the compensation under the various heads.

Parties are directed to appear before the Tribunal on 11.02.2019.

Disposed of, accordingly.

(AVNEESH JHINGAN)
JUDGE

JANUARY 09, 2019
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No