

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 8058 of 2016 (O&M)
Date of decision: 29.1.2019

Jasvir Kaur and others

.. Appellants

v.

Kulwant Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Gurjit Kaur Sandhu, Advocate for
Mr. H. S. Sandhu, Advocate for the appellants.

Mr. Manmohan Singh, Advocate for
Mr. Suman Jain, Advocate for respondent No. 3.

...

AVNEESH JHINGAN, J. (Oral)

This is an appeal by the claimants against the award dated 5.10.2015 passed by the Motor Accident Claims Tribunal, Kaithal (for short, 'the Tribunal') seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

Along with the appeal, there is an application for adducing additional evidence in the shape of two registration certificates of the trallas and jamabandi.

The brief facts of the case are that in a motor vehicular accident which occurred on 23.7.2014, Satnam Singh lost his life. In a claim petition filed under Section 166 of the Act, the Tribunal held that the accident was caused due to the rash and negligent driving of the tractor-

trolley bearing registration No. HR-40-7499 (hereinafter referred to as 'the offending vehicle'). The driver, owner and the insurer of the offending vehicle were held jointly and severally liable to pay the compensation. The Tribunal assessed the monthly earning of the deceased as ₹6,000/-; 1/3rd deduction was made for self-expenses and multiplier of 14 was applied. The Tribunal awarded a sum of ₹8,97,000/- along with interest @ 9% per annum.

Learned counsel for the appellants contends that the income of the deceased assessed by the Tribunal is on the lower side, as per the additional evidence produced now he was owner of two trallas and was having agricultural land in his name.

Learned counsel for the insurer has filed reply to the application for leading additional evidence, in which it has been stated that as regards one tralla, road worthiness of the same is for a period of 15 years which has expired and there is no record of extension. The other tralla has been transferred.

Without expressing any opinion on the merits of the application for leading additional evidence, since factual aspects need to be gone into and an opportunity is required to be given to the respondents to verify and rebut the documents. The matter with regard to quantum of compensation is remitted back to the Tribunal to decide it afresh in accordance with law. It is, however, clarified that the insurer shall be entitled to raise all legal objections with regard to the additional evidence to be adduced. Copies of the registration certificates and the jamabandi annexed with the application be sent to the Tribunal.

The parties are directed to appear before the Tribunal on
28.3.2019.

The appeal stands disposed of.

(AVNEESH JHINGAN)
JUDGE

29.1.2019
mk

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