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

**FAO No.1083 of 2018 (O&M)
Date of Decision: 28.02.2019**

Naresh Kumar

Appellant

Versus

Subhash Chand and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Navmohit Singh, Advocate
for the appellant.

Ms. Shamsheer Kaur, Advocate
for respondent No.2-Insurance Company.

AVNEESH JHINGAN, J (Oral):

The award dated 03.03.2017 passed by the Motor Accident Claims Tribunal, Narnaul [for brevity 'the Tribunal'] has been assailed in appeal by the legal heir of Madhu Devi seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

A motor vehicular accident took place on 29.08.2015, which proved fatal for Madhu Devi.

A claim petition was filed under Section 163-A of the Act. The Tribunal after considering the facts and appreciating the evidence adduced held that Madhu Devi died in the motor vehicular accident. The Tribunal awarded ₹4,29,600/- alongwith interest @ 6% per annum.

Learned counsel for the appellant contends that medical

bill annexed as Annexure A-1 was exhibited before the Tribunal but the same has not been considered.

Learned counsel for the insurer contends that the said bill was never proved and cannot be compensated under Section 163-A of the Act. She further states that the amount awarded under the conventional heads are on the higher side.

In view of the averments of both the parties, the matter is remitted back to the Tribunal for considering the medical bill dated 06.09.2015 (Annexure A1) and Ex.P5 to P28, in accordance with law. It is alleged that the bills were produced but not considered. The bills shall be considered only, if already produced.

The Tribunal shall provide opportunity to the parties to adduce evidence in support of their claims and shall decide the issue regarding awarding reimbursement of medical bill in accordance with the provisions of Section 163-A of the Act. The Tribunal shall also look into the amounts awarded under the conventional heads as per Second Schedule to the Act.

The parties are directed to appear before the Tribunal on 23.04.2019.

The appeal is disposed of.

[AVNEESH JHINGAN]
JUDGE

February 28, 2019

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |