

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 3836 of 2013 (O&M)

Date of Decision: 09.04.2019

Smt. Sarla and others

.....Appellants

Versus

Assa Ram and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Singla, Advocate
for the appellants.

Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate
for respondent No.3.

AVNEESH JHINGAN, J.(oral)

The award dated 4.12.2012 passed by Motor Accident Claims Tribunal, Fatehabad (for short 'the Tribunal') has been assailed by the legal representatives of Mohan Lal seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

The factum of accident is not disputed by the parties.

The grievance raised is that the Tribunal erred in applying the split multiplier and deducting the notional amount of financial assistance amount to be received by the dependants.

In order to decide the quantum of compensation certain factual aspects need to be gone into which would require adducing of evidence. The compensation has to be calculated as per the guidelines laid down by the Supreme Court in various judgments and thereafter financial assistance

Deceased Government Employees Rules, 2006, has to be deducted in consonance with the of the Supreme Court in ***Reliance General Insurance Company Ltd. Versus Shashi Sharma and others, JT 2016 (12) SC 409.***

Without expressing any opinion the merits of the case, the issue with regard to quantum of compensation is remanded back to the Tribunal to be decided afresh after affording opportunities to the claimants and the insurer to adduce evidence in support of their claims. The insurer was held liable to pay compensation, as such the owner and driver would not be necessary party to decide remand proceedings.

The parties are directed to appear before the Tribunal on 30.5.2019.

Disposed of accordingly.

09.04.2019
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No