

217

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

**FAO No.2511 of 2015 (O&M)
Date of Decision: 15.03.2019**

Kuldeep Singh

Appellants

Versus

Manpreet Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ishan Gupta, Advocate
for the appellants.

Ms. Swatantar Kapoor, Advocate
for the Insurance Company.

AVNEESH JHINGAN, J (Oral):

The award dated 21.11.2014 passed by the Motor Accident Claims Tribunal, Sangrur [for brevity 'the Tribunal'] has been assailed by the claimant seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

[2] The facts are not disputed by the parties. The appellant sustained injuries in a motor vehicular accident which took place on 11.10.2011. The accident was caused due to the rash and negligent driving of motorcycle bearing registration No. PB-72-6408.

[3] In the claim petition, the Tribunal awarded

compensation of ₹1,73,937/- alongwith interest @ 7.5% per annum. The owner, driver and insurer was held jointly and severally liable to pay the compensation.

[4] During the claim proceedings, a Certificate was produced showing disability which was likely to improve with the passage of time. During the pendency of appeal, an application has been moved for adducing additional evidence with which a Disability Certificate dated 08.11.2016 has been annexed showing that there was permanent disability to the extent of 30%. The insurer has filed reply to the said application.

[5] As the accident is of year 2011 and the Certificate produced was issued in the year 2016, *prima-facie* it cannot be accepted, as it is no where mentions that the permanent disability relates to the injuries sustained in the alleged accident.

[6] Without expressing any opinion on the merits of the case, the matter with regard to quantum of compensation is being remitted back to the Tribunal to be decided afresh after affording opportunity to the parties to adduce evidence in support of their claims. Needless to add that the insurer would be granted adequate opportunity to rebut or to verify the Certificate produced.

[7] The parties are directed to appear before the Tribunal on 30.04.2019. The Disability Certificate, annexed with the application, be sent to the Tribunal.

[8] The accident is of 2011, the Tribunal shall try to

dispose of the same expeditiously with the cooperation of the parties. In case, the appellant does not appear before the Tribunal on first three dates, the Tribunal shall not adjourn the matter any further.

[9] The appeal is disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

March 15, 2019
pankaj baweja

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

:

No