HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

Sr. No.280

Mac App No.146/2019
CM No.8739/2019

(Through Video Conferencing)

Bajaj Allianz Insurance Co. Ltd.

…Appellant(s)

Through:- Mr. Sunny Mahajan, Advocate.

V/s

Zahoor Ahmed and Others

…Respondent(s)

Through:- None.

Coram:- HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE

ORDER
22.12.2020

1. This appeal is directed against the interim award/compensation dated 18.04.2016 passed by the Presiding Officer, Motor Accident Claims Tribunal, Kishtwar under Section 140 of the Motor Vehicle Act, awarding an amount of Rs. 25,000/- payable by the respondent, appellant herein.

2. The precise ground of challenge thrown to interim award in the present appeal is that the Tribunal has granted the interim award on account of alleged injuries sustained by claimant respondent No.1 while he was travelling in the insured vehicle bearing registration No.JK17/1306 on 12.04.2013.

3. Objections have been filed by the appellant herein before the Tribunal wherein categorically taken a defence treating it as preliminary objection that the claimant's petition was not accompanied by any permanent disability certificate which is required as per the mandate of law, therefore, in absence of permanent disability certificate, the claimant is not entitled to any compensation.

4. It is submitted by learned counsel for the appellant that the learned Tribunal has failed to consider the objections so raised.

5. Since this appeal is filed against the interim award only and the claim petition before the Tribunal is still pending.

6. As the issue raised by the appellant is required to be considered by the Tribunal itself by leading evidence either documentary or oral, I, therefore, propose to dispose of this appeal by directing the Tribunal to consider the objections raised by the appellant-Insurance Company and pass fresh order preferably within a period of four weeks from the date, the copy of this order is made available. Till the consideration by the Tribunal, the impugned interim award shall stay. The parties shall be afforded an appropriate opportunity of being heard by the Tribunal in the matter. Ordered accordingly.

7. Disposed of along with connected application.

(Tashi Rabstan)
Judge

Jammu
22.12.2020
Surinder

Whether the order is speaking? Yes/No
Whether the order is reportable? Yes/No

SURINDER KUMAR
2020.12.24 15:31
I attest to the accuracy and
integrity of this document