

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

-. -

FAO No. 4065 of 2014 (O&M)

Date of decision: 03.02.2020

Ramesh Saini

.....Appellant

Versus

Shabu and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-. -

Present: None for the appellant

Mr. Sanjeev Kodan, Advocate
for respondent No. 3

-. -

Rekha Mittal, J. (Oral)

CM 12116 CII of 2014

Heard.

Allowed as prayed for. Delay of 79 days in refiling the appeal stands condoned.

Main case

The claimant is in appeal seeking additional compensation on account of injuries sustained in a motor vehicular accident that took place on 28.09.2011.

The Tribunal awarded consolidated sum of Rs.3,50,000/- but did not bother to assess compensation head-wise despite the fact that the injured suffered disability to the extent of 45% on account of amputation of right foot and restricted movement of right elbow.

The Tribunal was presided over by an officer who in many such cases has awarded consolidated amount which clearly shows that he shirks from his responsibility to assess just and reasonable compensation and consolidated amount is allowed as per his whims and fancies. In the given scenario, it would be in the fitness of things that the matter is remitted to the Tribunal for assessment of compensation afresh in the light of *catena* of judgments by Hon'ble the Supreme Court on the issue as to how compensation is to be assessed in an injury case where the victim has suffered permanent disability.

In view of the above, the appeal stands disposed of. The matter is remitted to the Tribunal for assessment of compensation afresh, in accordance with law. The Tribunal shall issue notice to the parties for assessment of compensation afresh and complete assessment within a period of three months of the parties putting in appearance. A copy of this order be sent to Mr. Naresh Kumar, Additional District Judge, the then Presiding Officer, Motor Accidents Claims Tribunal, Narnaul so that the Officer discharges his functions properly.

(Rekha Mittal)
Judge

03.02.2020

Mohan Bimbura

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