

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4848 of 2014 (O&M)
DATE OF DECISION: 13.03.2020

Sandeep Singh

....Appellant

versus

Jagdeep Singh and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. G.S. Dhaliwal, Advocate for the
appellant

Mr. Varun Sharma, Advocate for
Mr. S.P. Dhamija, Advocate for respondent
No.3-Insurance Company

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ALKA SARIN, J.:

The present appeal has been filed by the claimant against the award dated 06.02.2014 passed by the Motor Accident Claims Tribunal, Ludhaina, for enhancement of the amount awarded to him on account of the injuries sustained by him in the accident.

2. The brief facts relevant to the present case are that on 05.08.2009, Sandeep Singh i.e. claimant/appellant herein along with his mother Gurmail Kaur were travelling on a Bajaj Chetak Scooter bearing registration No.PB-10-AM-4701. They were coming from Dango-Pakhowal Road and when they reached at T-Point of Village Sarabha and were waiting to cross the road, an Indica Car bearing registration No.PB-10CA-1732 came from Ludhiana side at a very high speed

on the wrong side of the road and struck against the scooter of the claimant/appellant. Due to the impact, the claimant/appellant and his mother, Gurmail Kaur, fell on the road. Both the claimant/appellant as well as Gurmail Kaur received grievous injuries. Gurmail Kaur succumbed to her injuries and the claimant/appellant was referred to DMC Hospital, Ludhiana where he was stated to be under treatment. The accident was witnessed by one Sarabjit Singh son of Ranjit Singh.

3. The Tribunal, on the basis of the pleadings and the evidence on the record, awarded the following compensation:-

1. Medical Treatment	Rs.69,826/-
2. Attendant Charges	Rs.2,500/-
3. Conveyance and Special Diet	Rs.10,000/-
4. Pain and suffering	Rs.10,000/-
5. Loss of Income	Rs.1,600/-
Total	Rs.93,926/-

along with interest @ 7.5% per annum from the date of filing of the claim petition till realization. Dissatisfied with the amount awarded, the present appeal has been filed by the claimant.

4. I have heard learned counsel for the parties.

5. It has been contended by learned counsel for the claimant/appellant that the amount awarded is grossly on the lower side inasmuch as the claimant/appellant has suffered grievous injuries and is still undergoing treatment. A very meagre amount has been awarded under the heads of attendant charges,

conveyance, special diet, pain & suffering as well as towards loss of income. It has further been contended that no amount has been awarded towards disability suffered by the claimant/appellant.

6. *Per contra*, learned counsel for the respondent has submitted that adequate compensation has been awarded to the claimant/appellant. He has further contended that no evidence has been led by the claimant/appellant regarding the disability suffered by him. In fact, no doctor was examined in order to prove the disability of the claimant/appellant.

7. From the perusal of the case file, I find that no doctor has been examined qua the disability suffered by the claimant/appellant. The award is also silent as to the nature of the injuries which have been suffered by the claimant/appellant.

8. In view of the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation, I deem it just and proper to remand the present case to the Tribunal to be decided afresh. The parties shall be at liberty to lead fresh evidence in support of their respective pleadings. The parties shall be afforded two effective opportunities to lead their evidence. The Tribunal shall thereafter decide the matter afresh in accordance with law. The Tribunal is requested to make an endeavour to try and conclude the matter within a period of six months from the date of receipt of certified copy of this order. Parties to appear before the Tribunal on 04.08.2020.

9. With the above observations, the present appeal is disposed off and the matter is remanded back to the Tribunal to be decided afresh.

(ALKA SARIN)
JUDGE

13.03.2020
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES