

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 994 of 2013 (O&M) and
XOBJC-71-CII of 2013
Date of Decision: 27.02.2020

Jarnail Singh

...Appellants

Vs.

Narinder Pal & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Munish Gupta, Advocate, for the appellant.

Mr. S.S. Hira, Advocate, for respondent No.1 – Cross Objector.

ALKA SARIN, J.

C.M No. 26242-CII of 2017

This is an application for recalling the order dated 25.04.2017.

It is contended by learned counsel for the applicant-appellant that the present appeal had been filed by availing services of the Legal Aid Counsel. Vide order dated 23.02.2016, the appellant was directed to file an affidavit giving details of employment, name of the owner and the property/assets owned by the said owner. Due to non-communication of the said order, it led to the passing of the order dated 25.04.2017.

It is further contended that the owners as impleaded in the claim petition were not known to the appellant and hence the question of the applicant-appellant giving any information regarding the details of employment, did not arise.

In response to the said application, a reply has been filed on behalf of the respondent No.1-cross-objector.

I have heard learned counsel for the parties.

In view of the fact that earlier the appeal was preferred through Legal Aid and since the order dated 23.02.2016, wherein costs of ₹10,000/- were imposed on the appellant, was never conveyed to the appellant, resulting into passing of order dated 25.04.2017, therefore, the order dated 25.04.2017 is hereby recalled.

C.M stands disposed of.

**FAO No. 994 of 2013 and
Cross-Objections 71-CII of 2013**

Vide award dated 08.10.2012, the Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as, 'the Tribunal') awarded an amount of ₹1 lakh to the claimant on account of medical treatment. No amounts have been awarded to the claimant under the Heads, as laid down by the Hon'ble Supreme Court in **2011(1) SCC 343 Raj Kumar Vs. Ajay Kumar and Anothers.:-**

Pecuniary damages (Special Damages)

1. Expenses relating to treatment, hospitalization, medicines, transportation nourishing food, and miscellaneous expenditure.
2. Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:-
(a) Loss of earnings during the period of treatment; (b) Loss of future earnings on account of permanent disability.
3. Future medical expenses.

Non-pecuniary damages (General Damages)

4. Damages for pain, suffering and trauma as a consequence of the injuries.
5. Loss of amenities (and/or loss of prospects of marriage)
6. Loss of expectation of life (shortening of normal longevity).

Perusal of the award further reveals that there has been no finding recorded by the Tribunal qua the disability suffered by the respondent-cross-objector. Though evidence was led by the respondent-cross-objector, however the same has not been considered.

In view of the above, I deem it appropriate to remit the case to the Tribunal to decide the matter afresh after affording an opportunity to both the parties to lead additional evidence, if required, keeping in view the aforementioned heads under which compensation is liable to be granted to the claimant as per the dictum laid down by the Hon'ble Supreme Court in **Raj Kumar's case (Supra)**.

The Tribunal shall decide the case as expeditiously as possible, preferably, within a period of four months from date of receipt of the certified copy of this order.

Parties to appear before the Tribunal on 25.03.2020.

27.02.2020
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(ALKA SARIN)
JUDGE

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