

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

-.-

FAO 6055 of 2017(O&M)
Date of decision: 25.02.2020

Maninder Kaur and others

.....Appellants

Versus

Swaran Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. M S Dhami, Advocate
for the appellants

Mr. R K Bashamboo, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

CM 19640 CII of 2017

Prayer in this application is for condoning delay of 115 days in
filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit and arguments advanced, the application is allowed and delay of
115 days in filing the appeal stands condoned.

Main case

Challenge in the present appeal has been directed against
award dated 10.11.2016 passed by the Motor Accidents Claims Tribunal,

Patiala (in short, 'the Tribunal') whereby compensation has been assessed in respect of injuries sustained by Sukhwinder Singh, in a motor vehicular accident that took place on 19.10.2014.

The sole submission made by counsel for the appellants is that the Tribunal has awarded compensation in respect of injuries sustained by victim but compensation is liable to be paid with regard to death of Sukhwinder Singh as he died due to sustaining injuries in the occurrence. He prays that the appellants may be allowed one opportunity to adduce medical evidence to prove nexus between injuries and death of Sukhwinder Singh.

Counsel for the insurance company has supported the award.

Be that as it may, the provisions of the Motor Vehicles Act, 1988 (in short, 'the Act') providing for compensation are enacted with an intent to compensate the victim or victim family to make good the loss as the money can do. The Tribunal has an obligation in law to assess just and reasonable compensation. Taking a reasonable and sympathetic view of the matter, it would in the fitness of things that the award passed by the Tribunal is set aside and the matter is remitted to the Tribunal for deciding if Sukhwinder Singh died on account of sustaining injuries in the accident and if so, what compensation the claimants are entitle to. The claimants would be at liberty to adduce additional evidence in order to establish nexus between injuries and death of Sukhwinder Singh. The insurance company would be provided with an opportunity to lead evidence in rebutal.

For the foregoing reasons, the appeal is allowed; the award in

respect of assessment of compensation is set aside and the matter is remitted to the Tribunal for decision of the case afresh, in view of the observations made herein-before. The parties through their counsel are directed to appear before the Tribunal on 17.03.2020. The Tribunal shall not bother the driver and owner of the offending vehicle for deciding the case afresh. In the meantime, the insurance company shall not be entitle to recover compensation already paid, in terms of the award.

(Rekha Mittal)
Judge

25.02.2020
Mohan Bimbra

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