

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

FAO No.47 of 2018 (O&M)
Date of decision: 22nd December, 2022

Punjab Road Transport Company

... Appellant

Versus

Kulwinder Singh & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anupam Singla, Advocate for the appellant.

Mr. Gaurav Singla, Advocate for respondent No.1.

Ms. Madhu Sharma, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by the owner of the offending vehicle to impugn the award dated 04.08.2017 passed by learned Motor Accident Claims Tribunal, Sangrur in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 whereby claimant/respondent No.1 was awarded compensation of ₹ 6,94,237/- on account of the injuries sustained by him in a motor vehicular accident which took place on 02.08.2016.

Learned counsel appearing on behalf of the appellant submits that in view of his statement recorded in order dated 10.01.2018 of this Court, the matter be remanded back to the learned Tribunal for deciding it afresh on the limited question as to who would be liable to pay the amount of compensation to the claimant.

Learned counsel representing respondents No.1 and 2 do not oppose the said prayer made by the counsel opposite.

I have heard learned counsel for the parties and perused the relevant material on record.

Admittedly, the offending vehicle was insured with respondent No.2 Insurance Company at the time of the accident in question. Therefore, in view of the aforesaid fact coupled with no objection given by the learned counsel for respondents No.1 and 2, the matter is remanded back to the learned Tribunal to adjudicate upon the question of liability to pay the amount of compensation, afresh, in accordance with law.

Respondent No.2 Insurance Company shall be impleaded as party to the claim petition on an appropriate application being moved in the said regard before the learned Tribunal. Needless to add, the respondent No.2 Insurance Company shall be given due opportunity to lead evidence in support of its case.

The parties are directed to appear before the Tribunal on 27.01.2023. The Tribunal shall make earnest efforts to decide the petition expeditiously, preferably within a period of five months from the date of appearance of the parties before it.

The appeal stands disposed of accordingly.

As the main appeal is disposed of in the above terms, all the CM applications pending before this Court also stand disposed of.

(MANJARI NEHRU KAUL)
JUDGE

December 22, 2022

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No