

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

FAO No. 522 of 2015 (O&M)

DATE OF DECISION :- March 13, 2023

Dharminder Singh

...Appellant

Versus

Ranjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. N.S. Gill, Advocate
for Mr. Munish Gupta, Advocate for the appellant.

Mr. R.K. Bashamboo, Advocate has filed vakalatnama for respondent No. 3 along with reply, which be taken on record.

Appellant Dharminder Singh, aged about 28 years having suffered injuries in a motor vehicular accident, which took place on 2.7.2013 in the area of Anandpur Sahib-Naina Devi Ji road within jurisdiction of Anandpur Sahib, statedly on account of rash and negligent driving of Tipper bearing registration No. PB-12-N-9704 by respondent No. 1 Ranjit Singh, said Tipper being owned by respondent No. 2 M/s Metro Crushers & Screeners Ltd. and insured with respondent No. 3 the Oriental Insurance Company, had brought a claim petition under section 166 of the Motor Vehicle Act, 1988 against the driver, owner and the Insurance Company of the offending Tipper before Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to the 'Tribunal')

After contest, the claim petition was accepted by the Tribunal and vide Award dated 1.11.2014 compensation to the tune of Rs.2,65,660/-

along with interest and cost was awarded to the petitioner claimant payable by all the three respondents jointly and severally.

Finding the compensation awarded to him to be on the lower side, the petitioner claimant has approached this Court by way of filing an appeal, notice of which was given to the respondents. However, only respondent No. 3 Insurance Company has put in appearance and offered a contest.

During the course of proceedings, the petitioner claimant had filed an application for leading additional evidence contending that as a result of suffering injuries in the road accident he has suffered 40% permanent disability in terms of certificate issued by Board of Doctors dated 1.12.2015. Copy of such certificate being Annexure A4 and further more after closing his evidence before the Tribunal the claimant has been getting treatment spending money and such bills of the value of around Rs.80,000/- are also to be proved in evidence, therefore, application be accepted.

Though the application is being opposed on behalf of respondent No. 3 Insurance Company, I find that considering the fact that Section 166 of the Motor Vehicles Act, 1988 is a piece of welfare legislation and in the interest of justice, the application should be allowed. However, the appellant petitioner is required to lead evidence to prove the disability certificate and the medical bills and such exercise can be better done by the Tribunal. Therefore, the appeal is disposed of, inasmuch as the findings of the Tribunal on all the issues except issue no. 2 are kept intact whereas the Tribunal may allow reasonable opportunity to the petitioner claimant to lead evidence to prove the disability certificate and medical bills and then permit the respondents to cross-examine those witnesses and

thereafter to lead evidence in rebuttal if they so desire and the the Tribunal may pass a fresh Award particularly with regard to issue no. 2 regarding quantum of compensation payable to the petitioner claimant in light of the further evidence adduced in terms of the present order.

The parties through counsel are directed to appear before the Tribunal on 12.4.2023. It is clarified that any amount of compensation paid by the Insurance Company shall not be recovered from the petitioner claimant during pendency of proceedings before the Tribunal.

(H.S. MADAAN)
JUDGE

March 13, 2023
p.singh

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