

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R-567

FAO No.2688 of 2011
Date of Decision : 29.01.2024

Pardeep Kumar and OthersAppellants

VERSUS

Yunus Khan and OthersRespondents

R-567-1

FAO No.2689 of 2011

Hussain Mohd. @ Mohd. HussainAppellant

VERSUS

Yunus Khan and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashish Gupta, Advocate
for the appellants in both the appeals.
None for respondent Nos.1 and 2.
Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3-Insurance Company in both the appeals.

ALKA SARIN, J. (Oral)

1. This common order will dispose off both the above captioned appeals being FAO-2688-2011 and FAO-2689-2011, which have been preferred by the injured-appellants against the award dated 03.12.2010 passed by the Motor Accident Claims Tribunal, Nuh (hereinafter referred to as the ‘Tribunal’) whereby the claim petitions filed by the injured-appellants were dismissed.
2. Learned counsel for the injured-appellants would contend that the accident in the present case occurred on 28.11.2008 and as per the

medico-legal report, which was recorded on 28.11.2008 (Ex.PW5/10), the injured were taken to the Civil Hospital. It has been recorded in the MLR that there was a roadside accident on Biwan Road near Islamic Madrasa. Learned counsel for the injured-appellants would further contend that some of the injured remained hospitalized for a long period. It is further the contention that it has erroneously been noted by the Tribunal that the MLR of the injured was conducted on 25.12.2008 which is totally contrary to the record.

3. Learned counsel appearing on behalf of respondent No.3- Insurance Company is not in a position to deny the fact that the MLR (Ex.PW5/10) was recorded on 28.11.2008 i.e. the same date as the accident though the FIR was registered after one month.

4. In view of the obvious error on the face of it, the award dated 03.12.2010 cannot be sustained and the same is accordingly set aside. The matter is remanded back to the Tribunal concerned for decision afresh in accordance with the law. The parties are directed to appear before the Tribunal on **26.02.2024** at 10.00 am.

5. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

29.01.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO