

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

LPA No.2126 of 2001

Date of Decision:-18.03.2015

Malkiat Kaur and others

.....Appellants

Versus

New India Assurance Company Limited and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

**Present:- Ms. Aarti Gupta, Advocate
for the appellants.**

**Mr. L.M. Suri, Sr. Advocate with
Ms. Rinku Dahiya, Advocate
for respondents.**

SATISH KUMAR MITTAL, J.(Oral)

This intra-court appeal has been filed against the judgment dated 30.1.2001 passed by the learned Single Judge, whereby the appeal filed by the appellants herein against the award of the Motor Accidents Claims Tribunal, was dismissed.

In this appeal, the issue raised is with regard to the quantum of compensation to be paid by the Insurance Company to the appellants on account of death of Balbir Singh, in a motor accident. It has been found as a fact that Balbir Sindh died due to negligent driving of the vehicle which was insured with the respondent-Insurance Company. Hence, it was held that the Insurance Company is liable to pay the amount of compensation.

Learned Motor Accidents Claims Tribunal, awarded an amount of Rs.96000/- to the appellants (widow, son and daughter) of the deceased with interest at the rate of 12% per annum.

Learned Tribunal assessed the dependency of the appellants as Rs.500/- per month out of the monthly salary of Rs.733.20 of the deceased. The contention that the deceased was earning from sale of milk was rejected because there was no evidence to that effect. At the time of his death, the deceased was 38 years of age. Keeping in view that age, the multiplier of 16 was applied and Rs.96000/- were calculated as compensation payable to the appellants. Learned Single Judge, confirmed the said finding and dismissed the appeal. Hence, this appeal.

During the course of arguments, with the intervention of the Court the matter has been amicably settled. It has been agreed that in addition to what has already been paid as per the decree, the Insurance Company will further pay an amount of Rs. 50,000/- to the claimants-appellants, with interest at the rate of 7% per annum from the date of claim application till the date of payment.

The respondent-Insurance company is directed to pay the additional amount alongwith interest as per the above settlement arrived at within a period of two months from today.

In view of the aforesaid amicable settlement, this appeal
is disposed.

(SATISH KUMAR MITTAL)
JUDGE

18.03.2015
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(HARINDER SINGH SIDHU)
JUDGE