Daily Lok Adalat **Bench No.2.**

504 **FAO No.1098 of 2011**

Roop Chand and ors. Vs. Surender and anr.

(Appeal against the Award dated 19.03.2010 passed by Shri A.Gour, Motor Accident Claims Tribunal, (Fast Track Court), Bhiwani, in Claim Petition No.31 of 2008).

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Present: Mahipal – appellant No.2 in person with
Mr.T.C.Dhanwal, Advocate.

Mr.Amrinder Singh Sidhu, Advocate, with
Mr.Karan Nangla, Manager Legal
ICICI Lombard Gen. Ins. Co. Ltd. - respondent No.2.

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There were two appellants; Roop Chand and his son Mahipal. Roop Chand – appellant No.1 is reported to have died. Mahipal – appellant No.2 has appeared in person.

The Tribunal granted a sum of ₹59,000/- as compensation on account of death of Parvesh, who was aged about 22 years and was working as Conductor. The Tribunal assessed income of the deceased at ₹3,000/-, dependency ₹1,500/- and applying multiplier of 3, compensation was worked out at ₹54,000/-. ₹5,000/- were allowed towards conveyance charges and, thus, total amount allowed was ₹59,000/-.

Apparently, the Tribunal took dependency taking into consideration that Roop Chand, father of the deceased, was dependent and he was aged about 70 years. Mahipal is stated to be brother of the deceased and son of Roop Chand. He is stated to be elder to the deceased. However, now he is legal heir of Roop Chand and whatever amount was legally payable to Roop Chand can be claimed by him, as stated. As per latest decision of the Supreme Court, the age of the deceased is a relevant factor for determining compensation and at the same time, the age of the deceased is also an important factor to be taken into consideration. Although much more compensation would have been payable if Roop Chand had been alive, however, Mahipal – appellant No.2 has agreed to accept, by way of compromise, a sum of ₹25,000/- (₹ Twenty Five Thousand Only) more in this appeal and made the statement to this effect. On behalf of the Insurance Company, statement of learned counsel along with Mr.Karan Nangla, Manager Legal, ICICI Lombard General Insurance Company Limited – respondent No.2, has been recorded giving concurrence. Hence, a sum of ₹25,000/- over and above the amount awarded by the Tribunal is allowed to appellant No.2 in full and final settlement of the claim. Two months' time is allowed to the Insurance Company to deposit the amount before the MACT, failing which, interest at the rate of 9% per annum shall follow on this amount till payment from the date of this order. The enhanced amount would be paid to appellant No.2 – Mahipal, by the Insurance Company/Motor Accident Claims Tribunal. Appellant No.2 may furnish bank account particulars with IFS Code to the Insurance Company/MACT.

The appeal is disposed of accordingly.

Copy of the order be supplied/sent to the counsel/parties and file be returned to the High Court.

(A.L.Bahri)
President

18.09.2015 **(Sudarshan Modi)**
Member

P.seth