

FAO-9199-2014 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-9199-2014 (O&M)
Date of Decision: July 8, 2015

Surjit Kaur and others

...Appellants

Versus

Krishan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sham Lal Bhalla, Advocate,
for the appellants.

Mr. Anupam Singla, Advocate,
for respondent No. 2.

Mr. Ashwani Talwar, Advocate,
for respondent No. 3.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

CM-25584-CII-2014:

Prayer in this civil miscellaneous application is for condonation of delay of 247 days in filing the appeal.

After hearing learned counsel for the applicant/appellants and going through the contents of the application, which is duly supported by an affidavit, delay of 247 days in filing the appeal, is hereby condoned.

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Civil miscellaneous application stands disposed of.

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Notice of motion.

At the asking of the Court, Mr. Anupam Singla, Advocate, who is present in the Court, accepts notice on behalf of respondent No. 2 and Mr. Ashwani Talwar, Advocate, who is also present in the Court, accepts notice on behalf of respondent No. 3- Insurance Company.

It has been pointed out by learned counsel for the parties that respondent No. 1- Krishan Kumar, driver of the offending vehicle, was proceeded against *ex parte* during trial, therefore, his service may be dispensed with.

The submission appears to be genuine. Therefore, service of respondent No. 1 is dispensed with.

Since the appeal filed by respondent No. 3 – Oriental Insurance Company Limited, bearing FAO No. 672 of 2014, titled as “Oriental Insurance Company Limited v. Surjit Kaur and others”, against the same award, is fixed for arguments today, therefore, with the consent of learned counsel for the parties, present appeal is also taken up for final disposal alongwith the said appeal.

For the reasons recorded in the detailed judgment of even date passed in FAO No. 672 of 2014, titled as “Oriental

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Insurance Company Limited v. Surjit Kaur and others”, this appeal is partly allowed. The impugned award dated 2.11.2013, passed by learned Motor Accidents Claims Tribunal, Patiala, is modified. The appellant/claimants shall be entitled to Rs. 11,43,000/- (Rupees eleven lacs and forty-three thousand only) along with interest at the rate of 9% per annum from the date of filing of the claim petition till full and final payment. The amount already paid to the claimants shall be deducted from the enhanced amount of compensation. The amount awarded by this Court shall be disbursed to the claimants as per the order passed by learned Motor Accidents Claims Tribunal, Patiala.

(NARESH KUMAR SANGHI)
JUDGE

July 8, 2015
Pkapoor