

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

FAO No.6627-2015 (O&M)
Date of Decision : 12.02.2016

Jasvir Singh and others

.... Appellants

versus

Gurjit Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Lovepreet Kaur, Advocate for
Mr. B.S.Bhalla, Advocate
for the appellants.

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?

AJAY TEWARI, J.(ORAL)

Notice of motion.

On the asking of Court Mr. Vinod Gupta, Advocate accepts notice on behalf of respondent No.3-United India Insurance Company Limited whereas Ms.Vandanaa Malhotra, Advocate accepts notice on behalf of respondent No.6-ICICI Lombard General Insurance Company Limited.

Learned counsel for the appellants has supplied requisite copies of the paper book to the learned counsel for respondents No.3 and 6 respectively today in the Court itself.

Since liability of the Insurance Company is not disputed, service on respondents No.1, 2, 4 and 5 is exempted.

This appeal has been filed against the award dated 30.05.2015 passed by the Motor Accident Claims Tribunal, Moga. The claimants have filed this claim petition under Section 166 of Motor Vehicles Act for grant of compensation on account of death of Sukhjinder Singh-son of appellants No.1 and 2.

As per the case set up by the claimants, on 25.12.2013, Sukhjinder Singh (deceased) along with Jagsir Singh S/o Mukhtiar Singh was going to Badhi Kalan from Lapon on motorcycle bearing temporary No.PB-29/B-8093 and now permanent No.PB-29/L-5457, driven by Jagsir Singh. When they reached near Kabranwala Dera, at about 10.50 A.M., Alto Car bearing No.PB-69/A-8504 driven by respondent No.4 and bus bearing No.PB-29/J-9233 driven by respondent No.1 were came from Badhni Kalan side and respondent No.4 was driving his car with very high speed, rashly and negligently. He struck his car into the motorcycle driven by Jagsir Singh from back side, due to which, Jagsir Singh fell on the left side of road whereas Sukhjinder Singh had fallen on right side of the road. Sukhjinder Singh struck in rear tyre of mini bus driven by respondent No.1. Resultantly, head of Sukhjinder Singh was crushed and he died on the spot.

Learned counsel for the appellants has argued that as per the judgment passed in **Kishan Gopal v. Lala. 2013(4) RCR(civil)276** the interest @ 9% per annum should be awarded in the case of non-earning deceased whereas in the present case only @ 6% per annum interest has been awarded.

In this case there were two vehicles involved and the insurance of both the vehicles have been held liable to compensate the claimant jointly

and severally.

Learned counsel for the respondents No.3 and 6 are not in a position to deny that as per afore-mentioned case interest had to be @9% per annum and not @ 6% per annum.

Accordingly, the appeal is allowed to the extent that the compensation amount would carry interest @9% per annum instead of @6% per annum.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 12, 2016
Pooja Sharma-I

(AJAY TEWARI)
JUDGE