

In the High Court of Punjab and Haryana at Chandigarh

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CR No.8459 of 2015 (O&M)

Date of decision: 9.8.2017

**ROOP CHAND DECEASED
TH HIS LRS OM PARKASH**

.....petitioner

Versus

**M/S CHHABRA MILL SOTRE
TH ITS PARTNER AMARJIT SINGH AND ORS**

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.P.K.Ganga, Advocate,
for the petitioner.

Mr.Raj Kumar Bashamboo, Advocate
for respondent No.5.

RAJ MOHAN SINGH, J.(oral)

Concededly, the petitioners have received 10% of the compensation as awarded by the Motor Accidents Claim Tribunal, Kaithal (for short 'the Tribunal') vide award dated 22.1.1997. At the time of passing of the award, the Tribunal specifically ordered that the entire amount of interest shall go to claimant No.1 Smt.Santosh Gogia. The entire amount of the minor claimants No.2 and 3 was ordered to be deposited in their names in fixed deposits in any nationalized bank, which was payable to them on attaining majority. 50% of the amount was ordered to be paid to claimant No.1 in cash and the remaining

amount was ordered to be deposited in her name in fixed deposit in any nationalized bank for a period of five years. She was held to be entitled to withdraw quarterly interest accrued on such amount of her share. Insurance Company was held entitled to get the refund of ₹ 25,000/- from the claimants.

Evidently, the interest on the entire amount was ordered to be paid to claimant No.1 Smt.Santosh Gogia. The said award was upheld by this Court in FAO Nos.546 and 461 of 1998 vide order dated 12.5.2014. Para No.11 whereof reads as under:-

“So, in view of aforesaid discussions, the insurance company is liable to pay the compensation and not the registered owner. In the light of what has been discussed above appeal bearing FAO No. 546 of 1998 preferred by the claimants is allowed and a compensation on account of death of Vijay Kumar Gogia stands enhanced to a sum of ₹ 15,00,000/- from ₹ 10,00,000/- awarded by learned Tribunal. The appellants/ claimants shall also be entitled to an interest as awarded by learned Tribunal.”

While parting with the order, this Court has specifically held that the claimants were entitled to interest as awarded by the Tribunal. The award of the Tribunal with regard to payment of entire interest to claimant No.1 has not been set

aside by this Court while enhancing the compensation from ₹ 10,00,000/- to ₹ 15,00,000/- vide order dated 12.5.2014. No challenge was made to the aforesaid condition of payment of entire interest to claimant No.1 Smt.Santosh Gogia in the appeal filed by them in this Court.

In view of above, I do not see any reason to interfere in the present revision petition. The same is accordingly dismissed.

August 09, 2017
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No