

FAO No. 1941 of 2014 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1941 of 2014 (O&M)

Date of Decision: 2.11.2017

Future Generali India Insurance Co. Ltd.

.....Appellant.

Versus

Parveen and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishal Aggarwal, Advocate
for the appellant.

Mr. Vikram Bali, Advocate
for the respondents.

AVNEESH JHINGAN, J.

This is an unfortunate case where Irfan aged 5 years lost his life in a motor vehicles accident which occurred on 1.8.2011.

This is a sad case where a widow lost her husband and a young child in the same accident. The Insurance Company has filed the present appeal relying upon the decision of Hon'ble the Apex Court in **Kishan Gopal and another Versus Lala and others, 2014 (1) SCC 244.**

The grievance in the instant appeal is that the Tribunal has awarded a sum of Rs. 5,00,000/- as compensation whereas according to the aforesaid decision, an amount of Rs.2,00,000/- should have been awarded.

Learned counsel for respondent No.1-claimant could not raise any serious issue.

During the course of hearing both the counsels agreed that since an amount of Rs.2,50,000/- has already been disbursed to the claimant, it would be in the interest of equity that instead of Rs.5,00,000/-,

the compensation of Rs.2,50,000/- be awarded to the claimant so that they do not have to refund any amount.

The appeal is disposed of in terms of the agreement between the parties and the award dated 4.1.2014 is modified to the extent that the amount awarded of Rs.5,00,000/- is reduced to Rs.2,50,000/- along with the interest as awarded.

2.11.2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No