

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2279-2015

Date of Decision:- 31.10.2017

Amit and others

.....Appellants

Versus

Kuldeep Singh and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sushil Bhardwaj, Advocate,
for the appellants.

Mr. R.C. Kapoor, Advocate,
for respondent No.3.

RITU BAHRI, J. (Oral)

Appellants-claimants are in appeal against the award dated 09.09.2014, passed by the Motor Accidents Claims Tribunal, Gurugram (hereinafter to be referred as 'The Tribunal'), whereby 'The Tribunal' awarded the compensation of ₹61,51,650/- on account of death of Karan Singh in a motor vehicular accident took place on 09.08.2013.

Relevant facts for the purpose of decision of present appeal is that on 09.08.2013 the deceased was coming from to his house by his motorcycle bearing registration No.HR-14-D-8571. At about 9.00 PM,

when the deceased reached near pandit dhaba, Haily Mandi-Lohari Road, Jatauli, then a truck bearing registration No.HP-38C-6685 being driven by respondent No.1 came from behind which was being driven by its driver in a rash and negligent manner and caused the accident with the motorcycle. After the accident, the deceased sustained serious injuries on his head, legs and hands. Rajbir son of Harbans uncle of the deceased noted the registration number of the offending vehicle. Thereafter, Rajbir with the help of the persons shifted the deceased at Chiranjiv Hospital, wherefrom he was referred to Paras Hospital, Gurgaon. On 15.8.2013, the injured was declared dead. The matter was reported to the police and thereafter, an FIR No.296 dated 9.8.2013 was registered at Police Station Pataudi. Consequently, the claim petition filed before 'The Tribunal'.

Respondents contested the claim petition on all accounts. 'The Tribunal' considered the material and evidence available on file, awarded compensation to the tune of ₹61,51,650/-.

Being dis-satisfied with the awarded amount of compensation, the appellants are in appeal before this Court.

After hearing the learned counsel for the parties, going through the finding on issue No.2, this Court is of the considered view that the compensation has rightly been assessed by the Tribunal and the same is not being disputed by the counsel for the appellants-claimants. However, the small modification with regard to love and affection is required to be made as there are three minor children and only ₹1,00,000/- has been awarded by the Tribunal.

Accordingly, this amount is being modified as ₹3,00,000/- i.e. ₹1,00,000/- each and the balance enhanced amount of ₹2,00,000/- shall be payable from the date of claim petition along with interest @ 7.5% per annum.

Resultantly, the present appeal is allowed partly.

October 31, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No