

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.4908 of 2014

Date of Decision: September 05, 2017

Gurkamal Singh and another

..... Appellants

Versus

Gurdial Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jaideep Verma, Advocate
for the appellants.

Mr. Parvinder Singh, Advocate
for respondents No.1 and 2.

Mr. Sanjeev Goyal, Advocate
for respondent No.3.

DEEPAK SIBAL J. (ORAL)

Through a petition filed under Section 166 of the Motor Vehicle Act, 1988 (for short the 'Act') the appellants had sought compensation on account of death of Sarabjit Kaur, mother of appellant No.1 and daughter-in-law of appellant No.2.

The case set up by the appellants was that on 11.02.2013, Gurtej Singh, his wife-Sarabjit Kaur and along with their daughter Sahib Kaur were travelling in their car bearing registration No.PB-27B-3024 and when they reached near village Mampur, Tehsil Kharar, a bus bearing registration No.CH-01TA-3978, which was being driven in a rash and negligent manner hit their car from the back side, as a result of which, the car was pushed to the centre of the road where it was struck by a Scorpio bearing registration No.PB-12M-1628. As a result of the accident, all the aforesaid occupants of the car received grievous injuries to which they

succumbed on the way to Civil Hospital, Kharar.

Learned counsel for the parties do not dispute that four separate claim petitions had been filed by the appellants seeking compensation on account of death of Gurtej Singh, Sarabjit Kaur and Sahib Kaur out of which the claim petitions pertaining to Gurtej Singh and Sahib Kaur were amicably settled between the parties.

The present matter pertains to the compensation sought on the demise of Sarabjit Kaur, in which the Motor Accident Claims Tribunal, Ropar (for short the 'tribunal') through order dated 07.04.2014 awarded Rs.23,24,000/- to appellant No.1. Interest @ 6% was also granted. Such interest was directed to be paid within three months from the date of the award and in default thereof, enhanced rate of interest at the rate of 8% per annum was directed to be paid from the date of the claim petition till the date of actual payment.

Through the present appeal, the appellants seek enhancement in the aforesaid amount of compensation which was awarded by the tribunal.

When the matter came up for hearing, learned counsel for the appellants submits that he has instructions from both the appellants that they would be satisfied if only appellant No.1 is granted Rs.11,00,000/- over and above the amount awarded to him by the tribunal.

The above offer made by learned counsel for the appellants, when put to learned counsel for respondent No.3-Insurance Company, is accepted by him.

In view of the above, it is directed that within two months from today, the respondent-Insurance Company shall deposit before the tribunal, an amount of Rs.11,00,000/- and since appellant No.1 is a minor, the tribunal is further directed to convert the afore-referred deposit into a fixed deposit in a nationalized bank earning the maximum rate of interest. The fixed deposit shall be periodically renewed till appellant No.1 attains majority and on appellant No.1 attaining majority, the maturity amount in the afore-referred FDR shall be disbursed to him.

The appeal stands disposed of in the above terms.

September 05, 2017

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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No