

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

F.A.O. No. 306 of 2016(O&M)

Date of decision November 20, 2017

Bimla Devi and others

..... Appellants

Versus

Rattan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rahul Vats, Advocate
for the appellants.

AVNEESH JHINGAN, J (ORAL)

The present appeal has been filed against award dated 2.9.2015 passed by the Motor Accident Claims Tribunal, Palwal (for short 'The Tribunal').

The legal heirs of Suresh Chand filed a claim petition under Section 166 of Motor Vehicles Act, 1988(for short 'The Act').

Tribunal awarded a sum of Rs.7,80,500/- along with interest @ 7.5% per annum. The said awarded amount includes funeral expenses of Rs.10,000/-, and Rs. 10,000/- for loss of consortium .

Suresh Chand lost his life in a motor vehicular accident that occurred on 20.11.2014. The offending vehicle in the accident was a trailer bearing registration No. RJ 02-GB 1895. FIR No. 122 dated 20.11.2014 was registered at Police Station Bahin.

Aggrieved of the said award, the present appeal has been

I have heard learned counsel for the appellants and perused the paper book.

The only issue raised by the learned counsel for the appellants in the present case is that only Rs.20,000/- has been awarded under the conventional heads whereas as per the latest decision of the Hon'ble Supreme Court of India in **Special Leave Petition (Civil) No. 25590 of 2014 (National Insurance Company Ltd. Vs. Pranay Sethi and others** decided on 31.10.2017, the amount of Rs.70,000/- is to be awarded under the conventional heads.

Since in the present case the Insurance Company was the only contesting respondent, notice of motion is issued qua respondent No.3 only.

Mr. Puneet Jain, Advocate who is present in Court accepted notice on behalf of the Insurance Company and after going through the paper book he could not raise any serious objection for enhancement of the amount under conventional heads in view of the authoritative decision of the Hon'ble Supreme Court in **(National Insurance Company Ltd's case (supra))**.

Since the facts have not been disputed by the parties and there is no other issue raised, Rs. 70,000/- is awarded under the following conventional heads:-

<i>S.No.</i>	<i>Heads of claim</i>	<i>Amount</i>
1	Loss to estate	Rs. 15,000/-
2	Funeral expenses	Rs. 15,000/-
3	Loss of consortium	Rs. 40,000/-
Total	Total	Rs. 70,000/-

The award dated 2.9.2015 is modified to the extent that the amount awarded by the Tribunal of Rs. 7,80,500/- is enhanced to Rs.8,30,500/-.

The claimants would be entitled to the enhanced amount of compensation along with interest @ 6% per annum from the date of filing of the claim petition till the realization of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

November 20, 2017
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Whether speaking/reasoned	Yes
Whether Reportable	No