

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 7612 of 2015 (O&M)

Date of Decision:30.11.2017

Raj Rani and others

.....Appellants

Versus

Ramdiya and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K.S. Dhanora, Advocate
for the appellants.

Mr. R. K. Bishamboo, Advocate
for respondent No.3 -Insurance Company.

AVNEESH JHINGAN, J.

The present appeal has been filed against the award dated 30.3.2015 passed by the Motor Accident Claims Tribunal, Kurukshetra (for short 'the Tribunal').

Mahinder Pal, aged 30 years, lost his life in a motor vehicular accident that occurred on 12.2.2014. In the motor vehicular accident, the offending vehicle was car bearing registration No.HR-07-P-3041. As a result of the accident, he died on the spot. FIR No. 104 dated 12.2.2014 was registered at Police Station City Thanesar.

Claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the mother and brothers of the deceased.

The Tribunal after appreciating the facts and considering the evidence produced, awarded a sum of Rs. 10,68,200/- along with interest at the rate of 7.5 % per annum.

The present appeal has been filed for enhancement of the compensation.

Learned counsel for the appellants argued that though the amount for loss of dependency has been rightly calculated but the amounts awarded under conventional heads are on the lower side.

It would be pertinent to note that the deceased was survived by widow-mother and two brothers. Rs.50,000/- has already been awarded under the conventional heads i.e. for loss of estate, funeral expenses and love and affection.

Learned counsel for the Insurance Company relies upon the decision of Hon'ble the Apex Court in **National Insurance Company Limited Versus Pranay Sethi and others Special Leave Petition (Civil) No. 25590 of 2014 decided on 31.10.2017.**

In view of the latest decision of Hon'ble the Apex Court referred above, the conventional heads have already been restricted to Rs.15,000/- and Rs.15,000/- for loss of estate and funeral expenses respectively.

In the present case, there is no scope for enhancement of compensation under conventional heads.

The appeal being bereft of any merit is hereby dismissed.

30.11.2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No