

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

**FAO No. 5203 of 2017(O&M)
Date of Decision:- 16.11.2017**

Reshma & Anr.

....Appellants

Versus

Rajesh Kumar & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Ms. Amrita Nagpal, Advocate, for the appellants.

Mr. Lalit Garg, Advocate, for respondent No.3.

AVNEESH JHINGAN, J. (Oral)

C.M No. 16023-CII of 2017

Present application is for condonation of delay of 16 days in filing the present appeal.

In view of the averments made in the application, the same is allowed and delay of 16 days in filing the appeal is condoned.

FAO No. 5203 of 2017

The present appeal is against the award dated 02.11.2016 passed by the Motor Accident Claims Tribunal, Panipat (for short, the Tribunal) in MVA petition No. 53 of 2015.

Rahul, aged 22 years, lost his life in a motor vehicular accident that occurred on 19.06.2015 between the canter bearing registration No. PB11AX-9407 and tanker bearing registration No. HR-55Q-7648. The legal heirs of the deceased filed a claim petition under Section 166 of the

Motor Vehicles Act, 1988 (for short, 'the Act'). The Tribunal after considering the material produced before it awarded a sum of ₹8,20,000/- along with interest @ 7.5% per annum. It may be mentioned here that the amount awarded includes ₹10,000/- on account of transportation and last rites expenses. Aggrieved of the said award, present appeal has been preferred.

The contention raised by the learned counsel for the appellants is that only ₹10,000/- was awarded for funeral expenses, which is on the lower side and no amount has been awarded for loss of estate.

Learned counsel for the insurance company though opposed the contention but could not raise any serious objection in view of the latest decision of Hon'ble Apex Court in ***National Insurance Co. Ltd. Vs. Pranay Sethi and Ors.***, SLP (Civil) 25590 of 2014, decision dated 31.10.2017.

In case of **National Insurance Co. Ltd.** (Supra), the Hon'ble Apex Court has held that amount of ₹70,000/- is to be awarded under the Conventional Heads i.e. ₹15,000/- for funeral expenses; ₹15,000/- for loss of estate and ₹40,000/- for loss of consortium.

Keeping in view the facts of the case and the decision referred above, the amount of ₹10,000/- awarded under funeral expenses is enhanced to ₹15,000/- and ₹15,000/- is awarded for loss of estate.

Accordingly, the award dated 02.11.2016 is modified to the extent that amount awarded of ₹8,20,000/- is enhanced to ₹8, 40,000/-.

The appellants shall be entitled to the interest on the enhanced

amount along with interest as awarded by the Tribunal from the date of filing of the claim petition till realisation.

The appeal is partly allowed.

November 16, 2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No