

FAO No.5278 of 2012 (O&M)

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

Date of decision: 27.04.2018

1. FAO No.5278 of 2012 (O&M)

Saranjit Kaur and others

.....Appellants

versus

Harjinder Singh and others

.....Respondents

2. FAO No.5579 of 2012 (O&M)

Pepsu Road Transport Corporation

.....Appellant

versus

Saranjit Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. S.S. Sidhu, Advocate,
for the appellants in FAO No.5278 of 2012 and
for respondents No.1 to 3 in FAO No.5579 of 2012.
Mr. Jatinder Pal Singh, Advocate,
for Ms. Sandeep Kaur, Advocate,
for the appellant in FAO No.5579 of 2012 and
for respondents No.2 and 3 in FAO No.5278 of 2012.

RAMENDRA JAIN, J. (ORAL)

Above titled two appeals are being disposed of by this common judgment i.e. one filed by the claimants for enhancement of compensation and other by Pepsu Road Transport Corporation, owner of the offending bus for reduction of the same awarded by Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as the 'Tribunal'), vide award dated 06.06.2012.

Both the parties are *ad idem* that these appeals have to be decided in accordance with the judgment of the Hon'ble Supreme Court in

FAO No.5278 of 2012 (O&M)

In nutshell, on 19.11.2011, one Sharandeep Singh, Sales Executive in some private company died in a motor vehicular accident. In a claim petition under Section 166 of the Motor Vehicles Act filed by his legal heirs, the Tribunal vide award aforesaid granted compensation of ₹24,50,000/- along with interest @ 7% per annum from the date of filing of their petition till realization.

As per calculations, total compensation payable to the appellant-claimants comes to ₹34,76,902/-. Thus, they are entitled to compensation of ₹10,26,902/- over and above the compensation already awarded by the Tribunal, which is not refuted by learned counsel for the Pepsu Road Transport Corporation.

Consequently, appellant-claimants are awarded enhanced compensation of ₹10,26,902/- over and above the amount of compensation already granted to them by the Tribunal along with interest @ 7% per annum from the date of institution of claim petition till realization. Pepsu Road Transport Corporation is directed to deposit the amount aforesaid less already deposited/paid to the claimants within two months from today before the Tribunal for onward disbursement of the same to the appellant-claimants in proportion so arrived at by the Tribunal in accordance with law against proper receipt and identification.

Disposed of.

(Ramendra Jain)
Judge

April 27, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No