

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

FAO No.1785 of 2014 (O&M)

Date of Decision:16.03.2018

Shriram General Insurance Company LimitedAppellant

Vs.

Neelam Kumari and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ashwani Talwar, Advocate for the appellant.

Mr. Navin Saini, Advocate for respondents No.5 to 8.

RAMENDRA JAIN, J. (Oral)

Both the sides are ad idem that the learned Tribunal below ignoring the fact that the claim petition of the respondents No.1 to 4 was under Section 163-A of the Motor Vehicles Act, illegally and wrongly granted compensation towards future prospects, loss of love and affection, funeral expenses & loss of consortium etc. Deduction of 1/3 should also have been applied by the learned Tribunal instead of 3/4th. According to them, the compensation payable to respondents No.1 to 4 – claimant comes to ₹4,84,700/- say ₹4,85,000/- along with interest @7.5% from the date of filing of the claim petition till realisation.

Therefore, the impugned award is modified to the effect that respondents No.1 to 4 – claimant would be entitled for compensation of ₹4,85,000/- and not ₹9,54,800/- granted by the Tribunal below illegally.

Accordingly, this appeal is disposed of with a direction to the appellant-Insurance Company to deposit the aforesaid amount of

compensation of ₹4,85,000/- along with interest @ 7.5% from the date of filing of the claim petition till realisation within one month before the Tribunal for onward disbursement of the same to respondents No.1 to 4 – claimant in accordance in the proportion arrived at by the Tribunal in accordance with law against proper receipt and identification.

March 16, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No