

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

FAO No.3352 of 2015 (O&M)

Date of Decision:28.02.2018

Rajpati and another

.....Appellants

Vs.

Tilak Raj and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Munish Kumar Garg, Advocate
for the applicant- appellants.

RAMENDRA JAIN, J. (Oral)

CM No.4004-CII of 2018

In terms of the previous order, calculation according to

National Insurance Company Limited v. Pranay Sethi and others, 2017

(4) RCR (Civil) 1009, has been filed. The same is taken on record.

Application is disposed of accordingly.

FAO No.3352 of 2015

In nutshell, parents, on one hand and widow and son on the other hand of the deceased Shamsheer filed their two separate claim petitions under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Jind (for short, 'the Tribunal') for grant of compensation against the death of Shamsheer.

The learned Tribunal after due notice to the opposite side taking the pleadings, framing issues, recording evidence and holding the trial, granted total compensation of ₹8,80,000/- to them, out of which ₹1,50,000/- each was held payable to the parents, ₹3,90,000/- to appellant No.1 and remaining ₹1,90,000/- to appellant No.2 vide impugned award dated 28.02.2015.

Heard.

According to the case of National Insurance Company Limited v. Pranay Sethi and others (supra), the compensation payable to the appellants including the parents of the deceased Shamsheer, who have filed their separate appeal comes to ₹10,15,000/-.

Since ₹8,80,000/- has already been paid to the claimants and parents of the deceased- Shamsheer, therefore, the net enhanced compensation payable now to the appellants comes to ₹1,35,000/- after deducting the said amount. According to the proportion arrived at by the Tribunal, the share of the appellant No.1 in the aforesaid enhanced compensation comes to ₹59,832/- and that of appellant No.2 comes to ₹29,160/- totaling ₹88,992/-, for which the appellants are held entitled along with interest @ 8% per annum from the date of filing the claim petition till its actual realisation inasmuch as the respondent- Insurance Company has agreed for the entitlement of the claimants to this extent.

The appeal is disposed of accordingly with direction to the Insurance Company to deposit the aforesaid amount of compensation within one month from today before the learned Tribunal for onward disbursement of the same to the appellants in accordance with law against proper receipt and identification.

February 28, 2018
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(RAMENDRA JAIN)
JUDGE

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