

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

**FAO-3374-2016 (O&M)
Date of decision:02.08.2018**

Kaushalaya & another

... Appellants

Vs.

Sartaj & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Tanmoy Gupta, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate for respondent No.3.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CM-12338-CII-2016:

Instant application has been filed under Section 5 of the Limitation Act seeking condonation of 120 days delay that occurred in filing the accompanying appeal.

2. For the reasons stated in the application, sufficient cause has been shown to condone the delay of 120 days.

3. Prayer is allowed.

4. Delay condoned.

Main case:

This is claimants' appeal seeking enhancement of compensation.

2. Notice of motion.

3. Mr. Rajneesh Malhotra, Advocate, who is present in Court accepts notice on behalf of contesting respondent No.3/Insurance Company.

4. With the consent of counsel for the parties, the present appeal is

taken up for disposal today itself.

5. Briefly, it may be noticed that a claim petition under Section 166 of the Motor Vehicles Act was filed by the claimants claiming compensation to the tune of Rs.50 lakhs on account of death of Sarjeet Singh in an accident that took place on 29.06.2014.

6. Claim petition was duly contested by the owner/driver as also the Insurance Company by filing separate written statements.

7. With regard to the issue of rash and negligent driving of the offending vehicle, findings were returned by the Tribunal in favour of the claimants and it was held that death of Sarjeet Singh took place in the accident on account of rash and negligent driving by Sartaj i.e. driver of the offending vehicle.

8. Insofar as quantum is concerned, total compensation amount of Rs.13,06,000/- has been awarded in favour of the claimants, who happen to be the parents of the deceased along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till actual realization.

9. Counsel for the appellants raises a limited issue with regard to enhancement.

10. It is contended that the deceased was a bachelor and under the conventional heads, a sum of Rs.10,000/- only has been awarded towards funeral expenses/transportation of the body.

11. As per guidelines issued by the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi & others, 2017 (4) RCR (Civil) 1009**, the Tribunal ought to have awarded Rs.15,000/- towards funeral expenses and a like amount of Rs.15,000/- towards loss of estate. Such limited claim towards enhanced compensation is not even

opposed by learned counsel representing the Insurance Company.

12. In view of the above, the compensation amount awarded by the Tribunal is enhanced by a sum of Rs.20,000/- i.e. Rs.15,000/- towards loss of estate and by awarding Rs.15,000/- towards funeral expenses as opposed to Rs.10,000/- that had been awarded by the Tribunal.

13. Such enhanced amount be released in equal proportion to the claimant/appellants herein along with interest at the rate of 6% from the date of filing of the claim petition till actual realization.

14. Appeal is allowed in the aforesaid terms.

02.08.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |