

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4446 of 2016 (O&M)

Date of Decision: 06.12.2018

Smt. Phoolwati and another

.....Appellants

Versus

Vinod Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Mukesh Yadav, Advocate for
Mr. Parmod Parmar, Advocate
for the appellants.

Mr. Satpal Dhamija, Advocate
for Reliance General Insurance Company.

Mr. Lalit Garg, Advocate
for National Insurance Company Limited.

AVNEESH JHINGAN, J.(oral)

The award dated 12.4.2012 passed by the Motor Accidents Claims Tribunal, Jhajjar (for short 'the Tribunal') has been assailed by the claimants for enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act').

The brief facts necessary for adjudication of the present appeal are that on fateful day of 9.9.2010, a motor vehicular accident took place between Car bearing registration No.HR-14-F-8365 (for short 'car') and Canter bearing registration No. HR-14-E-0386 (for short 'canter'). Yogesh aged 10 years lost his life.

FIR No. 513 dated 10.9.2010 was registered at Police Station Jhajjar. The unfortunate parents filed claim petition under Section 163-A of

evidence held that the insurer of car and canter are equally liable to pay compensation in the ratio of 50:50.

The Tribunal awarded a lump-sum amount of Rs.2,25,000/- to the parents of Yogesh alongwith interest at the rate of 7% per annum.

Learned counsel for the appellants argued that the amount awarded by the Tribunal is on lower side.

Learned counsel for the insurance companies argued that the amount awarded is on higher side.

Keeping in view the fact that the claim petition was filed under Section 163-A of the Act and the compensation is to be awarded as per Second Schedule to the Act, in such circumstance, there is no scope for any further enhancement.

The appeal is accordingly dismissed.

(AVNEESH JHINGAN)
JUDGE

06.12.2018

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Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No