

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

FAO No.5778 of 2015.

Decided on:-February 28, 2018.

Raj Kumar and others

.....Appellants.

Versus

Kuldeep Sharma and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. J.S. Cooner, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3-insurance company.

HARI PAL VERMA, J. (Oral)

The appellant-claimants have filed the present appeal impugning the award dated 24.02.2015 passed by learned Motor Accidents Claims Tribunal, Pathankot (for short, the Tribunal) seeking enhancement of compensation.

Vide the aforesaid award, the claim petition filed by the appellant-claimants under Section 163-A of the Motor Vehicles Act, 1988 (for short, the Act) for grant of compensation on account of death of their mother, namely, Pushpa Devi, was allowed. Considering the age of deceased Pushpa Devi as 62 years and her annual income as Rs.40,000/- for rendering household services to the family, the Tribunal had awarded compensation of

Rs.1,34,500/- along with interest @ 6% per annum from the date of filing of the claim petition.

Learned counsel for the parties are *ad idem* that the impugned award dated 24.02.2015 passed by the Tribunal requires modification to the extent that the appellant-claimants are entitled for additional compensation of Rs.7,500/- under conventional heads and another sum of Rs.10,000/- on account of the medical treatment/admission in the hospital of deceased Pushpa Devi for two days.

Accordingly, the present appeal is allowed and the impugned award dated 24.02.2015 passed by the Tribunal is modified to the aforesaid extent. Consequently, the appellant-claimants are held entitled to additional compensation of Rs.17,500/- over and above the compensation already granted by the Tribunal.

Further, in view of the judgment passed by Hon'ble Supreme Court in *National Insurance Company Limited Versus Pranay Sethi and others 2017(4) RCR (Civil) 1009*, the rate of interest awarded by the Tribunal i.e. 6% per annum is also modified to 7.5% from the date of filing of the claim petition till its realization.

February 28, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No