

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

FAO No.5831 of 2015.

Decided on:-February 28, 2018.

Sarabjeet and another

.....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 minor son, namely, Rahul, was allowed. Considering the age of deceased Rahul as 10 years and the annual dependency of the claimants as Rs.16,000/- as per the Second Schedule under the Act, the Tribunal had awarded

compensation of Rs.2,42,000/- 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.4,500/- under conventional heads.

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.4,500/- 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