

FAO No. 8529 of 2014(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 8529 of 2014(O&M)

Date of decision : May 2, 2018

Shri Ram General Insurance Co. Ltd.

..... Appellant

Versus

Harpreet Kaur and others

..... Respondents

FAO No. 3869 of 2015(O&M)

Shri Ram General Insurance Co. Ltd.

..... Appellant

Versus

Balbir Kaur and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:-

Mr. Sanjeev Goel, Advocate
for the appellant in both the appeals.

Mr. J. S. Cooner, Advocate
for respondent No.2 in FAO-8529-2014 and
for respondent No. 5 in FAO-3869-2015

Mr. R. C. Gupta, Advocate
for respondent Nos. 1 and 3 in FAO-8529-2014 and
for respondent Nos. 1 and 2 in FAO-3869-2015

REKHA MITTAL J (Oral).

This order will dispose of two appeals bearing FAO Nos. 8529-2014 and 3869-2015 as these pertain to enhancement of compensation on account of death of Bhupinder Singh in a motor vehicular accident that took place on 24.3.2011.

Balbir Kaur and Davinder Singh filed application for compensation in November, 2011 before the Motor Accident Claims

Tribunal, Patiala and in the said case Amarjit Kaur mother of the deceased

was arrayed as respondent No.4. During pendency of the case, Harpreet Kaur and others filed application for compensation in the year 2012 before the tribunal at Panchkula that culminated in the award dated 9.4.2014. The tribunal at Patiala assessed compensation of Rs. 11,05,000/- and held entitlement of Davinder Singh claimant No.2 and Amarjit Kaur respondent No.4 in the ratio of 70:30 but the tribunal at Panchkula awarded an amount of Rs. 27,74,500/- to be shared equally by all the claimants namely Harpreet Kaur daughter, Amarjit Kaur mother and Harjinder Kaur sister of deceased Bhupinder Singh.

Counsel for the parties are ad idem that the award passed by the tribunal at Patiala and Panchkula may be set aside and the matter be remitted to the tribunal at Patiala to decide the application for compensation afresh after impleading Harpreet Kaur and Harjinder Kaur as parties on the array of respondents.

In view of the above, the appeals are disposed of. The award passed by the tribunals are set aside. The matter is remitted to the tribunal at Patiala to decide the case afresh after impleading Harpreet Kaur and Harjinder Kaur as parties on the array of respondents.

The parties are left at liberty to adduce evidence in support of their respective contentions after filing of written statement by the newly added respondents. Pending decision of the tribunal at Patiala, compensation already paid to the claimants in either of the claim applications shall not be recovered by the Insurance Company. However, in case the amount deposited by the Insurance Company before the tribunal at Panchkula has not been disbursed to the claimants, the same is ordered to be converted into Fixed Deposit payable to the successful party. The statutory

amount of Rs. 25,000/- in each of the cases deposited by the Insurance Company shall be remitted to the tribunal, Patiala for payment to the claimants, in accordance with law.

The parties through their counsel are directed to appear before the tribunal at Patiala on 25.5.2018.

(REKHA MITTAL)

JUDGE

May 2, 2018

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No