

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO No.752 of 2015 (O&M)
Date of Decision : 21.11.2018

Shakuntla Rani and others

..... Appellants

Versus

Dixit Joshi and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Mohit Jaggi, Advocate
for the appellants.

Mr. A.S.Sidhu, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This is an appeal for enhancement of compensation and for modifying the award dated 04.10.2014 passed by the Motor Accident Claims Tribunal, Patiala granting compensation of Rs.3,69,000/- alongwith interest @ 7% per annum in favour of the claimants-appellants and against the respondents. Since the issue involved is only with regard to quantum of compensation, the detailed reference to the facts is not required.

Counsel for the claimants-appellants states that under the conventional heads the tribunal has awarded a sum of Rs.1,35,000/- and as per the judgments passed in *National Insurance Company Ltd. vs.*

Pranay Sethi and others, 2017(4) RCR (Civil)1009 and Magma General

Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018

(4) RCR (Civil) 333, Rs.40,000/- each for filial consortium had to be awarded to the widow, two minor children and one major unmarried daughter. I further award a sum of Rs.30,000/- for the loss of estate and for funeral expenses and once that is taken into consideration the compensation under the conventional heads would be Rs.1,90,000/- instead of Rs.1,35,000/-. Counsel for respondent No.2 is not in a position to deny this. I accept this argument. I award Rs.55,000/- more under the conventional head.

Counsel for the appellants states that interest @7% per annum has been awarded whereas in ***Magma General Insurance Company Ltd. supra***, the Supreme Court had awarded interest @12% per annum. In the circumstances, the enhanced compensation would carry interest @12% per annum. Out of the enhanced amount 70% will go to appellant No.1 and 10% each will go respondents No.3, 4 and 5. The share of minors will be put in a fixed deposit till they attain the age of majority.

Appeal is allowed in the above terms and the award is modified accordingly. Rest of the award shall remain unchanged.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

21.11.2018

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No