

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

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**FAO-8607-2015 (O&M)
Date of Decision : 10.8.2018**

Sunil and another

....Appellants

vs.

Randhir Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sandeep Kotla, Advocate
for the appellants.

Mr.Rajnish Malhotra, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment and order dated 21.8.2015 of the Motor Accident Claim Tribunal, Panipat dismissing a claim petition on the ground that two claimants were major and thus were not dependent.

Counsel for the appellants states that the Tribunal decided only the issue regarding negligence but did not compute compensation. He further states that the appeal would have to be allowed and the impugned order has to be set aside to the extent that the Tribunal has held on the wrong premise that merely because the appellants were major therefore they were not entitled to claim on the death of their father.

Counsel for the insurance company has accepted that this error has occurred in the order of the Tribunal and the appellants could not be denied compensation only on the ground that they were major.

In the circumstances, the appeal is allowed and the judgment of the Tribunal in so much as it is held that the appellants are not entitled to compensation only on the ground that they were major is set aside and, since the Tribunal has not computed compensation payable it is directed to compute compensation as per the Constitution Bench judgment of the Supreme Court in the matter of “*National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009.*”

Parties through counsel are directed to appear before the Motor Accident Claim Tribunal, Panipat on 17.9.2018. The Tribunal is directed to decide this case expeditiously since the evidence is led and only compensation is to be computed.

Registry is directed to send the entire record to the Tribunal, Panipat for further proceedings.

The appeal stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

10.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No