

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 136

FAO-5069-2017 (O&M)

Date of decision : 06.09.2018

Magma HDI General Insurance Co. Ltd.

..... Appellant

VERSUS

Amit Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pankaj Mehta, Advocate, for the appellant.

Mr. Parminder Singh, Advocate, for respondents No. 1 to 6.

DEEPAK SIBAL, J. (ORAL)

The present appeal filed by the Insurance Company is directed against the award dated 30.05.2017, passed by the Motor Accident Claims Tribunal, Karnal (for short, the Tribunal).

Learned counsel for the appellant submits that the Tribunal has granted to four of the respondents/claimants ₹1 lakh each under the heads “love and affection”, “deprivation of protection”, “social security” and “guidelines to children” alongwith ₹25,000/- as funeral expenses. According to him, as per the recent judgment of the Hon'ble Supreme Court in “National Insurance Company Limited vs. Pranay Sethi and others” (2017) 16 SCC 680, they could have been granted only ₹70,000/- under the above heads including funeral expenses.

Learned counsel for the respondents/claimants does not dispute the above proposition. He however submits that the respondents/claimants have filed an independent appeal seeking enhancement of compensation on grounds other than the grounds raised by the appellant in the present appeal.

In view of the above, the award of the Tribunal under challenge in the present petition is modified to the extent that the respondents/claimants would not be entitled only a lump sum amount of ₹70,000/- under the heads “love and affection”, “deprivation of protection”, “social security” and “guidelines to children” as also for funeral expenses.

No other point was argued.

The appeal is allowed in the above terms.

It is clarified that the present order would not prejudice the rights of the respondents/claimants to be determined in their appeal, if any, seeking enhancement of compensation on grounds which are not covered in the present appeal.

06.09.2018
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[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No