

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

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**FAO No.5410 of 2018 (O&M)
Date of Decision : 30.08.2018**

National Insurance Company Limited

..... Appellant

Versus

Shri Ram Chander and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Harjinder Singh, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 10.04.2018 passed by the Motor Accident Claims Tribunal, Karnal granting compensation of Rs.26,62,000/- for the death of Shashi Kumar along with interest @ 7% p.a. in an accident which took place on 10.03.2017.

Mr. Rajiv Kumar Saini, Advocate has entered appearance on behalf of respondents No.1 to 4-caveator.

Learned counsel for the appellant has argued that there are only two legal infirmities in the award. In the circumstances, detailed reference to the facts would not be required. The only infirmities pointed out are that the tribunal erred in taking the D.C. rate whereas the wages could have been fixed only as per the schedule of the Minimum Wages Act, 1948 (for short

Counsel for respondents No.1 to 4 is not in a position to deny this.

The second argument is that the father has wrongly been taken to be a dependent and if the father is not to be taken as a dependent and only mother, widow and one minor child were taken as dependents, the deduction would have been 1/3rd instead of 1/4th.

Counsel for respondents No.1 to 4 is not in a position to deny this also. It is directed that the income would be taken as per the schedule of the Act which was applicable on that date (as per the same, the wages were Rs.8280.20). Further the father would not be taken as a dependent and the deduction would therefore be 1/3rd instead of 1/4th.

Learned counsel for respondents No.1 to 4 states that the interest @ 7% p.a. is low and the trend in this Court is to grant interest @7.5% p.a.

I find merit in this argument and consequently, enhance the rate of interest @ 7.5% p.a. from the date of filing the claim application till the date of payment.

Appeal stands allowed.

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

(AJAY TEWARI)
JUDGE

30.08.2018

Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No