

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

FAO No.8110 of 2017 (O&M)

Date of decision: 20.04.2018

Bajaj Allianz General Insurance Co. Ltd. .. Appellant

vs.

Zeenat Khatoon and others .. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. P.H.S. Pannu, Advocate
for the appellant.

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Harinder Singh Sidhu, J.

This is an appeal by the Insurer challenging the Award dated 6.9.2017 passed by Motor Accident Claims Tribunal, Gurugram (herein for short 'the Tribunal'), whereby, compensation of Rs.15,82,000/- has been awarded to claimants – respondents No.1 to 7 for the death of Shoaib Alam in a vehicular accident that occurred on 25.6.2016 in the area of village Bhondsi.

Vide order dated 14.12.2017, notice of motion was issued.

As per office report, notices issued to respondents No.1 to 7 have not been received back served or otherwise. Notice issued to respondent No.8 has been received back unserved due to incomplete address. Notice issued to respondent No.9 has been received back duly served. However, none has put in appearance on behalf of respondent No.9.

The sole contention of the appellant-Insurance Company is that the compensation awarded by the Tribunal under the conventional heads is on higher side and not in accordance with the decision of Hon'ble the Supreme Court in **National Insurance Company Limited vs. Pranay Sethi and Ors. 2017 AIR (SC) 5157.**

This contention merits acceptance.

As per the decision of Hon'ble Supreme Court of India in **Pranay**

Sethi's case (supra) compensation payable is re-assessed as under:-

Sr.No.	Heads	Calculation (In Rupees)
i)	Loss of dependency (<i>as awarded by the Tribunal</i>)	12,24,000/-
ii)	Medical expenses (<i>as awarded by the Tribunal</i>)	8,000/-
iii)	Loss of consortium to wife/claimant No.1	40,000/-
iv)	Loss of estate	15,000/-
v)	Funeral expenses	15,000/-
	Total compensation payable	13,02,000/-

Accordingly, the claimants are held entitled to compensation of Rs.13,02,000/- along with interest as awarded by the Tribunal.

This compensation has been re-assessed without the claimants being served in view of the settled law and with a view to avoid delay and expense.

As this appeal has been disposed of on the grounds raised in this appeal without notice to the claimants. It is clarified that this order shall not be construed as an adjudication regarding any claim for enhancement of compensation by the claimants on any ground. Such an appeal, if preferred, would be decided on its own merits.

A copy of this order be sent to respondents No.1 to 7 i.e. the claimants as also to their counsel appearing before the Executing Court. If the claimants-respondents have any grievance against this order, they would be at liberty to file an application, which would be listed.

20.04.2018
Atul

(Harinder Singh Sidhu)
Judge

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