

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

FAO No.8177 of 2017 (O&M)

Date of decision: 25.05.2018

Oriental Insurance Company

.... Appellant

Versus

Dalbir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Mayank Mathur, Advocate for
Mr. Ashok Mathur, Advocate
for the appellant.

Mr. Nishchal Mann, DAG, Haryana.

Avneesh Jhingan, J.

The insurer of the offending vehicle i.e. Balero Jeep bearing registration No.HR-03-L-6880 has filed the present appeal against award dated 11.04.2017 passed by Motor Accidents Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal').

In a motor vehicular accident that took place on 17.04.2016, Mitro Devi lost her life. In the said accident, the offending vehicle being driven rashly and negligently. FIR No.108 dated 17.04.2016 was registered.

The legal heirs of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'). The Tribunal, after considering the facts and evidence produced, awarded a sum of Rs.22,55,000/- along with interest @ 7.5% per annum.

The only issue pressed at this stage in the present appeal is that the compensation awarded included Rs.25,000/- for funeral expenses and Rs.50,000/- for loss of love and affection. The grievance is that as per the decision of the Supreme Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and Ors., 2017 AIR (SC) 5157**, Rs.15,000/- each for funeral expenses and loss of estate is to be awarded.

Respondent No.1 has been served but rest of the claimants i.e respondents No.2 to 5 are not served.

Since the issued raised is squarely covered by the decision of the Supreme Court, the matter is being decided the amount of Rs.75,000/- awarded for funeral expenses and loss of love and affection is reduced to Rs.30,000/- i.e. Rs.15,000/- each for funeral expenses and loss of estate.

The net effect is that award dated 11.04.2017 is modified to the extent that the amount awarded by the Tribunal of Rs.22,55,000/- is reduced by Rs.45,000/- i.e. total amount of Rs.22,10,000/-. If the claimants have any grievance against the said order, they would be at liberty to revive the appeal.

The appeal is party allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

25.05.2018
anju

1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No