

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-5691-2018 (O&M)
Date of Decision : 8.10.2018

Reeta Devi

....Appellant

vs.

Gian Chand and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. S.M. Tripathi, Advocate
for the appellant(s).

Ms. Vandana Malhotra, Advocate
for respondent No.3.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 17.5.2018 passed by Motor Accident Claims Tribunal, Chandigarh awarding compensation of Rs. 24,50,056/- alongwith interest at the rate of 7.5% per annum on account of death of Rajjan Yadav in an accident.

Since limited points have been urged detailed reference to the facts is not required.

As regards service upon respondent No.4, there is report of refusal. However, respondent No.4 is co-claimant, I do not deem it necessary to serve her.

Counsel for the appellants has pointed out that in the judgment passed in the matter of “*Magma General Insurance Company Limited vs. Nanu Ram Alias Chuhru Ram and others*” in *Civil Appeal No. 9581 of*

2018 decided on 18.9.2018, the Supreme Court after discussing judgment of the Supreme Court in the matter of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* had given Rs.40,000/- each to the father and unmarried sister of an unmarried deceased boy on the ground of loss of filial consortium. Learned counsel for the insurance company is not in a position to deny this fact. Consequently, I award Rs. 40,000/- to respondent No.4-mother for filial consortium.

Counsel for the appellant has further pointed out that in the judgment of Magma General Insurance Company Limited (supra) the Supreme Court has awarded interest at the rate of 12% per annum on the entire compensation. In view of this judgment, I also award 12% interest per annum on the entire compensation from the date of filing of the claim petition till the date of payment.

The appeal stands disposed of with the abovesaid modifications.

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

8.10.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No