

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

FAO-824-2019 (O&M)

Date of decision: 29.11.2019

Pooja and others

...Appellants

Versus

Arun Lakhanpal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. A.K. Spehia, Advocate for the appellants.

Mr. Paul S. Saini, Advocate with
Mr. Vipul, Advocate for respondent No.3.

H.S. MADAAN, J. (Oral)

Briefly stated facts of the present case are that one Joginder Pal son of Sat Pal died in a motor vehicular accident, which took place on 29.08.2017 at about 3.00 am, in the area near Sukhna Bridge, Sector 26, Chandigarh, statedly on account of rash and negligent driving of car bearing registration No.CH04-F-6376 (for short 'the offending car') by respondent No.1 Arun Lakhanpal. His legal representatives, namely, his widow Smt. Pooja, aged about 41 years, daughter Isha, aged about 18 years, minor son Mohit, aged about 15 years and mother Smt. Shobha Rani, aged about 70 years, had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Arun Lakhanpal-driver, M/s Arun Loomba & Associates, Chandigarh-owner and The New India Assurance Company Ltd., Chandigarh-insurer of the

offending car, claiming compensation of Rs.40 lacs with interest.

On being put to notice, all the three respondents put in appearance and contested the claim petition by filing written statements.

Issues on merits were framed. The parties were given opportunities to lead evidence. After hearing arguments, the Motor Accidents Claims Tribunal, Pathankot (for brevity 'the Tribunal') vide award dated 20.07.2018, accepted the claim petition and awarded compensation of Rs.7,57,000/- to the claimants payable by all the three respondents, jointly and severally with interest @ 7.5% p.a. from the date of filing of claim petition till actual realization. It was directed that out of the amount of compensation, petitioner/claimant Pooja being widow of deceased would be entitled to Rs.40,000/- towards consortium, whereas, the remaining amount would be shared by all the claimants in equal proportion. The share of minor claimant Mohit was ordered to be deposited in the form of fixed deposit with some nationalized bank till he attains majority, whereas, share of remaining claimants were ordered to be paid to them in the form of account payee cheques on their furnishing latest account number.

The petitioners/claimants were dissatisfied with the amount of compensation awarded to them by the Tribunal and have approached this Court, by way of filing the present appeal seeking enhancement of compensation, notice of which was given to respondent No.3, which has put in appearance to offer a contest.

I have heard learned counsel for the appellants and counsel for respondent No.3-insurance company besides going through the record.

Both the counsel during the course of arguments have agreed that the appeal be decided in terms of the judgment **National Insurance Company Limited Versus Pranay Sethi and Ors., 2017(4) RCR(Civil) 1009**, by the Apex Court. Learned counsel for respondent No.3 has furnished calculations with regard to enhancement of compensation under various heads.

Learned counsel for the appellants has been given copy of such calculations and he states that those have been correctly arrived at. Such calculations have been placed on record and are exhibited as Ex.A1. Accordingly, the appeal is accepted. The petitioners/claimants shall be entitled to get additional compensation of Rs.4,24,500/- from the respondents with interest @ 7.5% p.a., on the additional amount of compensation from the date of filing of appeal till actual realization. The apportionment, mode and manner of payment shall remain the same as directed by the Tribunal in the impugned award.

The appeal stands partly allowed.

29.11.2019

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(H.S. MADAAN)
JUDGE

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