

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

**F.A.O. No. 1695 of 1993**

**DATE OF DECISION :- October 16, 2019**

**Smt. Bhago Bai and another**

**...Appellants**

**Versus**

**Sh. Surinder Singh and others**

**...Respondents**

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

**Present:-** Mr. Rajesh Dhiman, Advocate  
for Mr. Surender Deswal, Advocate for the applicant.

Mr. Suvir Dewan, Advocate for respondent No. 4.

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Briefly stated the facts of the case are that on account of death of Prem Chand, aged about 34-35 years, a labourer by avocation, in a road side accident which took place on 7.5.1988 at about 3.30 P.M., statedly on account of rash and negligent driving of Tractor bearing registration No. HRJ-3247 by respondent No. 1 Surinder Singh @ Sinder Singh alias Sinda, legal representatives of deceased namely his son Jai Pal, daughter Smt. Lajwanti, widowed mother Smt. Shugan Devi and his widow Bhago Bai had brought a claim petition under Section 110-A of the Motor Vehicles Act, 1939 against respondents i.e. Surinder Singh @ Sinder Singh @ Sinda-driver, Pritam Singh-owner, Kartar Singh-Sapurdar of above said tractor and The New India Assurance Company, Jind through its Manager-insurer of Tractor bearing registration No. HRJ-3247 (hereinafter referred to as the offending Tractor),

claiming compensation.

On notice, only respondent No. 2 had appeared but did not file any written statement and was later on proceeded against ex-parte. Respondent No. 5 and respondent No. 4 had filed separate written statements. Issues on merits were framed. The parties were afforded adequate opportunities to lead evidence.

On conclusion of the trial, the Motor Accidents Claims, Tribunal Karnal vide Award dated 24.8.1992 accepted the claim petition and awarded compensation of Rs.1,15,200/- to the claimants making the liability of the respondents to pay this amount being joint and several. Interest at the rate of 12% was granted to the claimants on this amount from the date of filing of claim petition till actual realization. Claimants Smt. Bhago Bai and Lajwanti were not satisfied with the said Award and have approached this Court by way of filing an appeal seeking enhancement of compensation.

On being issued notice, respondent No. 4-Insurance Company has put in appearance.

I have heard learned counsel for the parties besides going through the record.

I find that keeping in view the facts and circumstances of the case the compensation of Rs.1,15,200/- granted is on lower side. The Tribunal has not added any amount towards future prospects which keeping in view the age of the deceased should have been given up to 40% of the monthly income of the deceased, which had been assessed to be Rs.900/- per month. Further more no amount has been awarded under conventional Heads. In view of ratio of

***'National Insurance Company Limited Versus Pranay Sethi and Others 2017***

***(4) R.C.R. (Civil) 1009'*** a sum of 70,000/- should be been granted under those

Heads. Keeping in view the facts and circumstances of the case and considering the fact that the claim petition was filed under the old Act and as per terms and conditions agreed upon between the insured and the Insurance Company, liability of the Insurance Company towards third party is stated to be limited up to Rs.1,50,000/-. I find that it would proper and appropriate if the compensation so awarded is enhanced to Rs.1,50,000/-. Accordingly, the appeal is allowed and additional compensation of Rs.35,000/- is awarded to the appellants-claimants with interest at the rate of 7.5% per annum from the date of filing of appeal till actual realization besides costs of the appeal. The amount of enhanced compensation be apportioned among the appellants equally.

**(H.S. MADAAN)**  
**JUDGE**

**October 16, 2019**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No