

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 101

Case No. : FAO No. 2139 of 2015 (O&M)

Date of Decision : April 23, 2019

Manju Bala and others Appellants
vs.
Sukhchain Singh @ Kala and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Gurpal Singh Sandhu, Advocate
for the applicants/appellants.

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DEEPAK SIBAL, J. (Oral) :

Notice of motion to respondent no. 2 – United India Insurance
Company Limited only.

Mr. Nitin Gupta, Advocate puts in appearance on behalf of
respondent no. 2 by filing *Vakalatnama* in Court today, which is taken on
record.

Learned counsel for the parties have been heard.

The instant appeal has been preferred by the appellants/
claimants seeking therein enhancement in the compensation awarded to
them by the Motor Accident Claims Tribunal, Sri Muktsar Sahib (for short –
the Tribunal).

The facts, in brief, which would be required to be noticed for

PM, Satish Kumar (since deceased) was going on a motorcycle and when he reached in front of a *dhaba*, a Pick-up Truck bearing registration no. PB-11-AE-9251 (for short – the offending vehicle) struck the motorcycle, as a result of which, he received grievous injuries. He was taken to the hospital where he succumbed to his injuries.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short – the Act), after concluding that the offending vehicle was being driven in a rash and negligent manner, the Tribunal went on to assess the payable compensation, the enhancement of which is sought through the present appeal.

Learned counsel for the appellants submits that as per the judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi and others** – (2017) 16 SCC 680, the Tribunal should have granted a cumulative sum of Rs.70,000/- instead of Rs.40,000/- as granted by it. He further submits that the rate of interest granted by the Tribunal is also on the lower side.

Learned counsel for respondent no. 2 – Insurance Company does not dispute the submissions made on behalf of learned counsel for the appellants with regard to grant of Rs.70,000/- under the conventional heads but submits that the rate of interest so awarded by the Tribunal is justified.

In line with the law laid down by the Hon'ble Supreme Court in **Pranay Sethi's** case (*supra*), the amount of Rs.40,000/-, as granted by the Tribunal under the conventional heads is enhanced to Rs.70,000/-. It is

further directed that the rate of interest on the amount of compensation awarded by the Tribunal as also the enhanced compensation awarded through this order shall be @ 6.5% per annum instead of 6% per annum, as awarded by the Tribunal.

No other point was urged.

The appeal stands allowed in the above terms.

April 23, 2019
monika

(DEEPAK SIBAL)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>