

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

FAO-5236-2014 (O&M)
Date of decision: 30.09.2019

Vikram Singh

...Appellant

Versus

Tanuj Singla and others

...Respondents

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

Present: Mr. Bhanu Pratap Singh, Advocate for the appellant.

Mr. R.C. Gupta, Advocate for
Mr. G.D. Gupta, Advocate for respondent No.3.

H.S. MADAAN, J.

CM-14798-CII-2014

There is a delay of 67 days in filing of the appeal. An application seeking condonation of delay has been filed. Heard. For the reasons mentioned in the application, such delay stands condoned.

The application is disposed of accordingly.

Main Case

Briefly stated facts of the case that on account of death of Reena Kumari, in a motor vehicular accident, which took place on 29.09.2010 at about 5 pm in the area of Sector 34, Chandigarh, statedly on account of rash and negligent driving of motorcycle No.CH-04-F-5202 (for short 'the offending motorcycle') make Yamaha by respondent No.1 Tanuj Singla, Vikram Singh, husband of the deceased had brought a

claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Tanuj Singla-driver, Mrs. Deep Shikha-owner and United New India Insurance Company, Chandigarh-insurer of the offending motorcycle.

Notice of the claim petition was given to the respondents. However, only respondent Nos.2 & 3 put in appearance to offer a contest, whereas, respondent No. 1 did not appear despite service and was proceeded against ex parte. The appearing respondents contested the claim petition. Issues on merits were framed. The parties were given adequate opportunities to lead evidence in support of their respective claims. On conclusion of trial, the Motor Accidents Claims Tribunal, Chandigarh (for brevity 'the Tribunal'), vide award dated 09.12.2013, accepted the claim petition and awarded compensation of Rs.18,77,765/- to the claimant, payable by all the three respondents jointly and severally along with interest @ 6% pa from the date of filing of claim petition till actual realization.

The claimant being dissatisfied with the rate of interest granted, has approached this Court, by way of filing the present appeal, notice of which was given to respondent No.3-insurance company and such insurance company has appeared through counsel.

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

Learned counsel for the appellant/claimant has confined his argument with regard to the rate of interest on the compensation amount

awarded by the Tribunal.

The interest awarded by the Tribunal @ 6% p.a., is on the lower side and in my considered view, the proper rate of interest to be awarded would be 7.5% p.a. Under the circumstances, the appeal is accepted partly and the impugned award is modified to the extent that the claimant would be entitled to a total sum of Rs.18,77,765/- as compensation on account of death of Mrs.Reena Kumari, payable by all the three respondents jointly and severally along with interest @ 7.5% p.a. from the date of filing of claim petition till actual realization.

No other argument was advanced by learned counsel for the appellant.

The appeal stands allowed, to that extent.

30.09.2019

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(H.S. MADAAN)
JUDGE

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