

FAO No.635 of 2013

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

FAO No.635 of 2013

Date of decision: 24.07.2019

Piari and others

.....Appellants

versus

Guriqbal Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Y.P. Khullar, Advocate, for the appellants.
Mr. Sanjeev Kodan, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Prayer through instant appeal has been made for enhancement of compensation awarded to appellant-claimants by the Motor Accident Claims Tribunal, Ludhiana, vide award dated 01.09.2012.

Briefly, Om Parkash, a railway employee, aged about 55 years in the night of 22.09.2007 died in a motor vehicular accident caused by respondent No.1 while driving motorcycle bearing registration No.PB-10-CA-4514 in a rash and negligent manner. Being aggrieved of Om Parkash's death, his widow and sons filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (in short the 'Act') before Motor Accident Claims Tribunal, Ludhiana (in short the 'Tribunal') for grant of compensation.

After holding trial, the Tribunal awarded compensation of ₹3,41,051/- to the appellant-claimants to be share equally along with interest @ 6% per annum from the date of filing the claim petition till realization.

Having heard learned counsel for both the sides and taking into account judgment of the Hon'ble Supreme Court in ***National Insurance***

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Company Limited v. Pranay Sethi and others, 2017(4) R.C.R.(Civil) 1009, as per calculation, produced by learned counsel for the appellants, which is taken on record as Mark 'A', compensation payable to the appellant-claimants comes to ₹14,32,415/-. The Tribunal has awarded compensation of ₹3,41,051/-. Consequently, appellants are entitled to compensation of ₹10,91,364/- more over and above the compensation already awarded by the Tribunal.

Learned counsel for the respondent-Insurance Company did not refute the above calculation.

In view of above, the compensation awarded by the learned Tribunal to the appellants-claimant to the tune of ₹3,41,051/- is enhanced to ₹14,32,415/-. Respondent No.3 – Insurance Company is directed to deposit the enhanced amount of ₹10,91,364/- aforesaid along with interest @ 6% per annum from the date of institution of claim petition till realization within one month from today before the Tribunal for onward disbursement of the same to the appellants in proportion, so arrived at by the Tribunal in accordance with law against proper receipt and identification. In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with interest @15% from the date of institution of claim petition till realization.

Disposed of.

(Ramendra Jain)
Judge

July 24, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No