

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-4665-2015 (O&M)

Date of decision: 27.11.2019

Satwati and another

..... Appellants

Versus

Rafiq and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. BS Tewatia, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate for respondent No.3.

Respondent No. 1 already proceeded *ex parte*
vide order dated 16.09.2019, whereas
respondent No. 2 was proceed *ex parte*
vide order dated 18.05.218

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the appellant-claimants have sought enhancement of compensation, modifying impugned Award dated 08.04.2015 of the Motor Accident Claims Tribunal, Faridabad (for short 'the Tribunal').

Briefly, appellant-claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, on account of death of their minor son-Sagar on 11.06.2013, aged around 17 years and a student of 12th standard, in a motor vehicular accident caused by respondent No. 1-Rafiq, while driving truck bearing registration No. HR-55-M-6597, owned by respondent No. 2-Akhtar Ali and insured with respondent No. 3 in a rash and negligent manner.

After holding trial, learned Tribunal awarded a sum of ₹3,20,000/- as compensation to appellant-claimants vide Award impugned herein.

Relying upon a judgment of this Court passed in FAO-9379-2014 dated 26.07.2018, Shanta Devi and another Vs. Yad Ram and others, learned counsel for appellant-claimants submits that a co-ordinate Bench of this Court, has awarded a sum of ₹7,25,520/- as compensation to the parents of deceased. He also furnished calculations 'Mark-A' along with copy of said judgment. He prays that the appellant-claimants may also be awarded same compensation treating them on the same parity.

Learned counsel for respondent No. 3-Insurance Company has not been able to controvert the submission of learned counsel for the appellant-claimants or point out any infirmity in the above calculations (Mark-A). Hence, the same is accepted.

In view of the above, the appellant-claimants are held entitled to compensation of ₹4,05,520/- more over and above the amount of ₹3,20,000/-, awarded by the learned Tribunal, vide Award impugned herein. Respondent No. 3-Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within one month from today, along with up-to-date interest @ 7.5% per annum from the date of filing of claim petition till realization, for onward disbursement to the appellant-claimants, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

Non-deposit of aforesaid enhanced amount of compensation

within the stipulated period would entail interest @ 15% per annum, with quarterly rests, after one month.

Since, recovery rights have been given to respondent No. 3-Insurance Company against respondents No. 1 and 2 by the Tribunal, who have got themselves proceeded *ex parte*, therefore, respondent No. 3-Insurance Company is held entitled to recover the paid amount from respondents No. 1 and 2, in accordance with law.

Disposed of.

November 27, 2019
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(RAMENDRA JAIN)
JUDGE

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