

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

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FAO No.5186 of 2016 (O&M)

Date of decision: 17.07.2019

SAMUNDER & ANR

... Appellants

Versus

SUMIT & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Manoj K. Atri, Advocate for
Mr. Sunil K. Bhardwaj, Advocate for the appellants.
None for respondent No.1.
Ms. Manjeet Kaur, Advocate with
Ms. Vandana Malhotra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Sunil in a motor vehicular accident that took place on 04.03.2014.

The Tribunal awarded Rs.5,93,000/- in view of discussion under issue No.2. The insurance company has been directed to pay compensation to the claimants but right to recover has been given against the driver and owner of offending vehicle.

Perusal of the records would reveal that appeal against respondent No.2, owner of the vehicle was dismissed vide order dated 20.02.2019. In the given circumstances, modification of award by way of enhancement of compensation would be prejudicial to interest of respondent No.2, registered owner of the vehicle and as such, the same cannot be allowed since appeal against respondent No.2 has been dismissed. That being so, nothing survives for consideration of this Court.

In view of what has been discussed hereinbefore, the appeal is dismissed.

17.07.2019

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No