

FAO No.3030 of 2017 (O&M)

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

FAO No.3030 of 2017 (O&M)
Date of decision: 24.07.2019

Rekha Rani

.....Appellant

versus

Girraj Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vishal Singh, Advocate,
for Mr. Keshav Pratap Singh, Advocate,
for the appellant.

Mr. M.K. Garg, Advocate,
for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, claimant has sought enhancement of compensation by modifying impugned award dated 13.12.2016 passed by Motor Accident Claims Tribunal, Palwal (in short the 'Tribunal').

Briefly, on 01.06.2016 Smt. Santa Devi sustained multiple grievous injuries on her person in a motor vehicular accident caused by respondent No.1 while driving bus bearing registration No.HR-38-R-5687 in a rash and negligent manner, owned by respondent No.2 and insured with respondent No.3. Thereafter, on 05.06.2015, she succumbed to the same in Safdarjung Hospital, Delhi.

Being aggrieved, appellant being her legal heir filed a claim

petition under Section 166 of the Motor Vehicles Act, 1988 (in short the

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'Act') before the Tribunal against owner, driver and insurer of the aforesaid truck for grant of compensation.

After holding trial, the Tribunal awarded compensation of ₹5,40,000/- to the appellant-claimant along with interest @ 7.5% per annum from the date of filing the claim petition till realization.

Heard.

Having heard learned counsel for both the sides and taking into account judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others***, 2017(4) R.C.R.(Civil) 1009, as per calculation, produced by learned counsel for appellant, which is taken on record as Mark 'A', appellant is entitled to compensation of ₹3,45,940/-, including medical expenses of ₹83,700/- and taking the minimum wages prevailing at the relevant point of time, more over and above the compensation already awarded by the Tribunal. Learned counsel for respondent No.3-Insurance Company has not been able to refute the above calculation.

In view of above, the compensation awarded by the learned Tribunal to the appellant-claimant to the tune of ₹5,40,000/- is enhanced to ₹8,85,940/- along with interest @ 7.5% per annum from the date of institution of claim petition till realization. Respondent No.3 – Insurance Company is directed to deposit the amount of ₹3,45,940/- more over and above the compensation awarded by the Tribunal within one month from today before the Tribunal for onward disbursement of the same to the appellant 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

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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