

FAO-7103 of 2017(O&M)
Date of Decision: 23.5.2019

Ms. Anshika Lohat and others

---Appellants

versus

Rajpal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sagar Aggarwal, Advocate, for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Rakesh Kumar in a motor vehicular accident that took place on 9.12.2012.

The Motor Accidents Claims Tribunal, Karnal (in short “the Tribunal”) has awarded Rs. 41,60,320/-, represented in a tabulated form in para 25 of the award.

When the case is examined in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, it can safely be held that compensation allowed by the Tribunal is much more than what can be allowed in the given circumstances. That being so, there is no justification for allowing compensation more than what has been assessed by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay of 626 days in filing the appeal is of academic relevance.

(Rekha Mittal)
Judge

23.5.2019

PARAMJIT Whether speaking/reasoned : Yes
 Whether reportable : *Yes/No*