

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

FAO-4649-2018 (O&M)

Date of decision: 02.11.2019

Krishan Devi @ Krishna Devi and another

...Appellants

Versus

Ram Pal and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Vijay Pratap Singh, Advocate for
Mr. Nonish Kumar, Advocate for the appellants.

Mr. Rajiv Sharma, Advocate for respondent No.3.

H.S. MADAAN, J. (Oral)

Having lost their son Ravi Kumar, aged about 20 years and a labourer by avocation, earning Rs.3300/- per month in a road side accident, which took place on 09.03.2016 at about 6.00 pm in the area of pucca bridge GT road Madhuban on account of bursting of tyre of motorcycle bearing registration No.HR-05AM-6230 which was being driven by Rampal, on which, Ravi Kumar was pillion rider, unfortunate parents of such victim, namely, mother Smt. Krishan Devi @ Krishna Devi, aged about 43 years and father-Som Dutt aged about 48 years had brought a claim petition under Section 163-A of the Motor Vehicles Act, 1988 against respondents i.e. Ram Pal-driver, Krishan-

owner and The National Insurance Company Ltd., Karnal-insurer of motorcycle in question.

After contest by all the respondents, Motor Accidents Claims Tribunal, Karnal, vide award dated 13.03.2018, accepted the claim petition and awarded compensation of Rs.4,26,900/- to the claimants payable by the respondents jointly and severally with interest @ 6% p.a. from the date of filing of claim petition till actual realization. The compensation amount was ordered to be apportioned amongst both the claimants i.e. 60% to claimant No.1 and 40% to claimant No.2. Out of that amount, 50% was ordered to be paid in cash and 50% to be deposited in the form of FDR for a period of three years with some nationalized bank.

The claimants felt aggrieved by the said award and have approached this Court, by way of filing the present appeal, notice of which was given to respondent No.3. Such insurance company has appeared through counsel.

I have heard learned counsel for the parties besides going through the record and I find that the rate of interest awarded @ 6% p.a. is somewhat on lower side and it would be proper and appropriate to award interest @ 7.5% p.a. on the total compensation amount awarded from the date of filing of claim petition till actual realization.

With such observations, the appeal is allowed partly.

02.11.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No