

FAO- 7505 of 2017 (O&M)
Date of Decision: 23.7.2019

Santosh

---Appellant

versus

Jitender and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Narender Kumar, Advocate
for the appellant**

Rekha Mittal, J.
CM No. 24894-CII of 2017

Prayer in this application is for condoning delay of 36 days in refiling the appeal.

In view of averments made in the application and arguments advanced by counsel for the applicant, application is allowed and delay of 36 days in refiling the appeal stands condoned.

Disposed of accordingly.

FAO- 7505 of 2017

The claimant is in appeal seeking enhancement of compensation on account of death of Chet Ram in a motor vehicular accident that took place on 25.9.2015.

The Motor Accidents Claims Tribunal, Sonapat (in short “the Tribunal”) awarded Rs. 5,78,000/-, detailed in paras 18 to 21 of the award.

Perusal of findings of the Tribunal with regard to assessment of compensation makes it evident that 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, there is no scope for allowing additional compensation as compensation assessed by the Tribunal is more than what can be permitted in the given scenario.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

23.7.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : *Yes/No*