

FAO No.6240 of 2018 (O&M)

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

FAO No.6240 of 2018 (O&M)
Date of decision: 16.12.2019

Kavita and others

.....Appellants

versus

Jeet Singh alias Kala and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. K.S. Khaira, Advocate,
for Mr. Vaibhav Jain, Advocate, for the appellants.
Mr. Vinod Gupta, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

CM-21790-CII of 2018

Through this application under Section 151 CPC prayer has been made for condonation of 38 days' delay in re-filing the appeal.

Heard.

For the reasons mentioned in the application, same is allowed.

Delay of 38 days in re-filing the appeal is condoned.

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Through this appeal, appellants have sought enhancement of compensation, modifying impugned award dated 13.12.2017 of the Motor Accident Claims Tribunal, Hisar (in short 'the Tribunal'), passed in claim petition filed by the appellants under Section 166 of the Motor Vehicles Act on account of death of Rajpal, husband of appellant No.1, father of appellants No.2 and 3 and son of appellant No.4, in a motor vehicular

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accident.

The Tribunal, after holding trial, awarded compensation of ₹16,82,800/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing claim petition till realization.

Both the parties are in agreement that compensation in lump sum ₹10,000/- more, which includes interest component, over and above the compensation awarded by the Tribunal may be increased.

Ordered accordingly.

Respondent No.3 – Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within one month from today for onward disbursement to the appellant-claimants, in proportion so arrived at by it, in accordance with law 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% per annum from the date of expiry of one month.

Disposed of .

(Ramendra Jain)
Judge

December 16, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No