

United India Assurance Company Ltd.

.....Appellant

Versus

Kamlesh Kumari and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Ram Avtar, Advocate
for the appellant.Mr. Karunesh Kauhal, Advocate
for respondent Nos.1 to 3.**NIRMALJIT KAUR, J. (ORAL)**

On 08.07.2019, the following order was passed by this Court:

“Learned counsel for the appellant while arguing the case submitted that he has challenged the award on three grounds i.e. negligent driving, interest and the compensation awarded under the conventional heads.

A perusal of the award passed by the Motor Accident Claims Tribunal, Sirsa (for short, the Tribunal) shows that the question of negligent driving was gone into detail and it was held that the factum of accident was not in dispute and in fact the police has also filed a challan against respondent No.1 for rash and negligent driving. Similarly, no fault can be found with the grant of interest @ 9% being the death case. The only argument raised by learned counsel for the appellant, which requires to be considered is with respect to the grant of compensation under the conventional heads as per the judgment rendered by Hon'ble the Apex Court in the case of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680.”

Learned counsel appearing for respondent Nos.1 to 3 does not dispute that as per judgment rendered by Hon'ble the Apex Court in the case of Pranay Sethi (supra), only Rs.70,000/- is required to be awarded under the conventional heads, whereas, an amount of Rs.2,50,000/- has been awarded by the Tribunal under this heads.

In view of the well settled proposition of law in the case of Pranay Sethi (supra), the award dated 13.09.2018, passed by the Tribunal is modified to the extent of the amount awarded under the conventional heads and Rs.1,80,000/- be reduced from the total awarded amount of Rs.36,54,930/-. The remaining amount alongwith interest as ordered by the Tribunal be deposited, in case not already deposited and be disbursed to the respondents/claimants.

(NIRMALJIT KAUR)
JUDGE

20.11.2019
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No