

FAO No.10568 of 2018 (O&M)

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

FAO No.10568 of 2018 (O&M)
Date of decision: 07.11.2019

Royal Sundram Alliance Insurance Company Limited

.....Appellant

versus

Kamlesh Rani and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Amit Goyal, Advocate, for the appellant.
Mr. G.P.S. Pathania, Advocate, for respondent No.1.

RAMENDRA JAIN, J. (ORAL)

Vakalatnama on behalf of respondent No.1 filed in Court today is taken on record. Be tagged at appropriate place.

Through this appeal, appellant-Insurance Company has sought reduction of compensation, modifying impugned award dated 01.09.2018 of the Motor Accident Claims Tribunal, Pathankot (in short the 'Tribunal'), awarding compensation of ₹5,19,000/- to respondent No.1-claimant along with interest @ 7.5% per annum from the date of filing claim petition till realization.

Learned counsel for the appellant *inter alia* contends that the Tribunal failed to appreciate that since respondent No.1-claimant had filed her claim petition under section 163-A of the Motor Vehicles Act, 1988 (in short the 'Act'), therefore, compensation could only be granted strictly in accordance with Second Schedule of the Act, wherein there is no provision for grant of future prospects. Tribunal has illegally awarded ₹15,000/-

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towards funeral expenses, whereas same could not have been awarded beyond ₹2,500/-.

Learned counsel for respondent No.1-claimant has not been able to refute above submissions.

Having given anxious consideration to the above submissions, this Court finds itself in agreement with learned counsel for the appellant-Insurance Company. Therefore, reducing ₹1,44,000/- towards future prospects and ₹12,500/- (₹15,000-₹2,500/-) towards funeral expenses, respondent No.1-claimant is held entitled to compensation of ₹3,62,500/- along with interest as awarded by the Tribunal.

Ordered accordingly.

Disposed of.

(Ramendra Jain)
Judge

November 07, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No