

FAO- 550 of 2019 (O&M)
Date of Decision: 11.12.2019

Ruksana and others

---Appellants

versus

Shyam Lal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. D.K.Prajapati, Advocate
for the appellants**

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Mehboob in a motor vehicular accident that took place on 11.3.2015.

Insurance company has been served but remains unrepresented.

Counsel for the appellants would argue that deceased left behind six minor children but the Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhari (in short “the Tribunal”) has not extended benefit of filial consortium to them. For this purpose, reference has been made to judgment of Hon'ble the Supreme Court **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others, 2018(4) RCR (Civil) 333.**

Another submission made by counsel is that the Tribunal has allowed interest @ 7.5% only if payment is not made within 30 days. It is argued that no specific reasons have been assigned by the Tribunal to deny benefit of interest to the claimants who have been held entitle to

compensation of Rs. 9,76,750/-

Contention raised by counsel for extending benefit of filial consortium to children of the deceased is rejected when the case is examined in the light of decision of Constitution Bench of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others** 2017 SCC 1270 and three Judge Bench decision in **Sebastiani Lakra and others vs. National Insurance Company Limited and another** AIR 2018 SC 5034.

So far as plea of the appellants with regard to interest on compensation assessed, counsel is right in his submission that Tribunal has not assigned any reason to grant concession of non-payment of interest to the respondents therein in case the amount is paid within 30 days or deny entitlement of the claimants to have interest on the awarded amount. In the given circumstance, findings of the Tribunal denying interest in case the amount is deposited/paid within thirty days are not legally sustainable and accordingly set aside. The appellants shall be entitled to interest @ 7.5% per annum from the date of petition till realization irrespective of whether the amount is deposited/paid within thirty days or otherwise.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

11.12.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No