

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

FAO No. 3041 of 2015

DATE OF DECISION :- March 13, 2023

Satya Devi and others

...Appellants

Versus

Bablu Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. V.S. Cooner, Advocate
for Mr. J.S. Cooner, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No. 2.

Briefly stated the facts of the case are that on account of death of Ram Rattan, aged about 60 years in a motor vehicular accident which took place on 17.3.2014 at about 6.00 A.M. in the area of District Panchkula arising out of use of motorcycle bearing Registration No. HR-49-C-5146 by respondent No. 1 Bablu Kumar, legal representatives of such deceased namely his widow Smt. Satya Devi, aged about 58 years, sons Rajinder Kumar and Shiv Kumar @ Pola, aged about 40 years and 38 years respectively had brought a claim petition under Section 163-A of the Motor Vehicle Act, 1988 against Bablu Kumar, driver and United India Insurance Company Limited, Solan.

That claim petition was accepted by Motor Accident Claims Tribunal, Panchkula and vide Award dated 16.2.2015 compensation of Rs.3,10,000/- was awarded to the claimants payable by both the respondents jointly and severally with interest and cost.

Finding compensation so awarded to be on lower side, petitioner claimants have approached this Court way of filing an appeal notice of which was given to the respondents. However, respondent Insurance Company has put in appearance to offer a contest.

I have heard learned counsel for the parties besides going through the record.

In terms of Section 164 of the Motor Vehicles Act in case of death of a person in accident arising out of use of a motor vehicle, a compensation of Rs.5 lakhs would be awarded. Although learned counsel appearing for the Insurance Company states that this provision was introduced later on and the accident in this case is prior to that.

I find that the claim petition was filed on 9.4.2014 and was contested on 16.2.2015 and appeal against the Award was filed by the claimants in April, 2015 and it has been pending since then. The claimants are entitled to get compensation in terms of this provision.

Therefore, the appeal is allowed partly and compensation of Rs.3,10,000/- awarded to the claimants by the Tribunal is enhanced to Rs.5 lakhs payable by both the respondents jointly and severally with interest at the rate of 7.5% from the date of filing of claim petition till actual realization with costs throughout.

(H.S. MADAAN)
JUDGE

March 13, 2023
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No