

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

FAO No. 7467 of 2016

DATE OF DECISION :- February 27, 2023

Sarita Kantore and others

...Appellants

Versus

Sucha Singh and others

...Respondents

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

Present:- Mr. Rahul Arora, Advocate for the appellants.

Mr. Tarun Sharma, Advocate for respondent No. 2.

Mr. Vinod Gupta, Advocate for respondent No. 3.

Briefly stated the facts of the case are that on account of death of Sheetal Kantore in a motor vehicular accident which took place on 25.1.2015 at about 10 A.M. in the area of near Gupta Petrol Pump, Ferozepur City, statedly on account of rash and negligent driving of truck No. RJ-04-GA-0963 by respondent No. 1 Sucha Singh, legal representatives of deceased namely Smt. Subash Rani, mother, Smt. Sarita Kantore, widow, Kamal Kantore, and Shivam Kantore, major sons of Sh. Sheetal Kantore, all residents of Ferozepur City had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against respondents i.e. Sucha Singh, driver, Dharminder Singh, owner and New India Assurance Company Limited, Abohar, insurer of truck in question.

The said claim petition after contest was allowed by Motor Accident Claims Tribunal, Ferozepur (hereinafter referred to as 'The Tribunal') vide Award dated 28.4.2016 and compensation of Rs.16, 43,000/- with interest at the rate of 7.5% per annum from the date of filing of claim petition till actual realization was awarded to the claimants payable by all the three respondents jointly and severally. It may be mentioned here that since Smt. Subash Rani, mother of deceased had expired during pendency of the proceedings her name was deleted vide order dated 21.3.2016 by the Tribunal.

Feeling dissatisfied with the amount of compensation awarded by the Tribunal, the appellants have approached this Court by way of filing an appeal seeking enhancement of compensation.

Notice of that appeal was given to all the respondents. However, only respondents no. 2 and 3 have put in appearance.

I have heard learned counsel for the appellants claimants and learned counsel for respondents No. 2 and 3 besides going through the record.

During the course of arguments, learned counsel for respondent No. 3 Insurance company has offered to pay an additional sum of Rs.25,000/- to the appellants claimants, which offer has been accepted by learned counsel for the appellants-claimants and they pray that the appeal be disposed of in terms thereof.

Accordingly, the appeal is accepted partly and compensation of Rs.25,000/- over and above the compensation awarded to the appellants claimants by the Tribunal is granted to appellants-claimants. Respondent

No. 3 Insurance Company would pay such amount to the appellants claimants within 45 days from today, failing which the appellants claimants would be entitled to get at the rate of 7.5% per annum till actual realization. The parties are left to bear their own cost.

(H.S. MADAAN)
JUDGE

February 27, 2023

p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No