

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 248/2019(O&M)

Date of decision:16/03/2023

Kavita and others

.....Appellants

Vs.

Shyam Lal and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Navmohit Singh, Advocate for the appellants.

Mr. Rohit Pathania, Advocate for the respondent Insu. Co.

Nidhi Gupta, J.**CM 800-CII/2019**

Since there is delay of 150 days in filing the present appeal,
aforesaid application has been filed seeking condonation of delay.

For the reasons stated in the application, the same is allowed
and delay in filing the appeal is condoned.

Main Appeal.

Present appeal has been filed by the appellants/claimants
seeking enhancement of compensation of Rs.17,43,280/- granted by the
Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as 'the
Tribunal') vide Award dated 22.3.2018 passed in MACP No.82/2017 in a
claim petition u/s 166 of the Motor Vehicles Act,1988 (hereinafter referred
to as 'the Act').

Facts in brief are that the Id. Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased Manjeet Singh died due to injuries suffered by him in a motor vehicular accident that took place on 23.8.2017 due to rash and negligent driving of Mahindra XUV 500 car bearing registration No. HR-41F-7007 (hereinafter referred to as 'the offending vehicle'), being driven by respondent no.1, owned by respondent no.2 and insured by respondent no.3. Id. Tribunal awarded compensation as above along with interest @ 7.5% per annum from the date of filing of the claim petition till realization. Respondents were held jointly and severally liable to pay the compensation. Claimants are widow, three minor children, and parents of deceased Manjeet Singh.

At the very outset Id. Counsel for the appellants submits that compensation as awarded by the Id. Tribunal is in accordance with the law laid down by the Hon'ble Supreme Court in **Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram, 2018 (18) SCC 130; Sarla Verma vs. Delhi Transport Corporation (2009) AIR (SC) 3104; and National Insurance Company Limited v Pranay Sethi and others (2017) 16 SCC 680**, except that nothing has been awarded by way of parental consortium to appellants 2,3 and 4 who are three minor daughters of the deceased; and nothing has been awarded by way of filial consortium to claimants/appellants 5 and 6 who are parents of the deceased. It is accordingly submitted that a sum of Rs.44,000/- each be awarded to said five claimants/appellants.

Learned counsel for the respondent Insurance Company is unable to dispute this established position in law.

Accordingly, the present appeal is allowed and impugned Award dated 22.3.2018 is modified to the extent that three minor daughters and parents of the deceased are held entitled to Rs.44000/- each towards loss of consortium thus, enhancing the total compensation from Rs.17,43,280/- to Rs.19,63,280/-.

The ratio of apportionment, manner of disbursement of compensation, and rate of interest of 7.5% on enhanced compensation, remains unchanged.

Disposed of in above terms.

Pending applications, if any, stand disposed of.

16/03/2023
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No