



FAO-129-1990 (O&M)

-1-

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

127

FAO-129-1990 (O&M)
Date of Decision: 17.05.2024

Rajbai (now deceased)

...Appellant

Versus

Mukesh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Keshav Pratap Singh, Advocate for the appellant
Mr. Abhimanyu Kalsy, Advocate for respondent No.3
Mr. Ankur Gupta, Advocate for respondent No.6

JAGMOHAN BANSAL, J. (Oral)

1. The appellant through instant appeal is seeking enhancement of compensation awarded by Motor Accident Claims Tribunal, Rohtak (for short 'Tribunal') whereby learned Tribunal has awarded a sum of ₹35,000/- along with interest @ 12% per annum from the date of filing claim petition.

2. Learned counsel for the appellant submits that son of the appellant, at the time of accident, was 19 years old and Tribunal while awarding the compensation has not taken into consideration the age and income of the deceased, thus, only a meager amount of ₹35,000/- has been awarded.



3.

Mr. Abhimanyu Kalsy, Advocate appeared and filed his Power of Attorney on behalf of respondent No.3. The same is taken on record. Registry is directed to tag at an appropriate place.
4.

Considering the age of deceased, afflux of time and mandate of Constitutional Bench judgment in *National Insurance Company v. Pranay Sethi and others, 2017 (16) SCC 680* and a three Judge Bench judgment in *Smt. Sarla Verma and others v. Delhi Transport Corporation and another, 2009 (6) SCC 121*, this Court finds it appropriate to enhance the compensation from ₹35,000/- to ₹1,35,000/-. The respondent shall pay the enhanced amount along with interest @ 6% per annum from the date of filing appeal before this Court. It is further directed that compensation shall be paid within two months from today.
5.

Disposed of in above terms.
6.

Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

17.05.2024
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No