



122-C

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

FAO-5806-2009 (O&M)
Date of decision: 24.04.2025

Ram Pyari

...Appellant

Versus

Hariabh @ Hartal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the appellant.

None for respondent Nos.1 and 2.

Mr. R.N. Singal, Advocate
for respondent No.3-Insurance Company.

Mr. Gopal Mittal, Advocate for respondent Nos.4 and 5.

VIKAS BAHL, J. (ORAL)

1. None had appeared on behalf of the appellant on the last two dates of hearing. Today also, no one has appeared on behalf of the appellant.

2. Learned counsel for the appellants appearing in connected appeal i.e., FAO-5555-2009 has brought to the notice of this Court that appellant-Ram Pyari has died. The connected FAOs have been disposed of by the detailed order passed of even date. Relevant portion of which is reproduced hereinbelow:-

“20. Accordingly, all the three appeals are disposed of with the following directions:-

i) The New India Assurance Company Limited is directed to pay the additional amount of compensation on account of death of Shivam to the tune of Rs.7,83,100/- along with interest at the rate of 7.5% per annum from the date of filing of the claim



petition till its realisation within a period of six weeks from today to the claimants/appellants in FAO-535-2010 i.e., Smt. Aruna and Smt. Jaya in the same proportion as had been awarded by the Tribunal. Learned counsel for the appellants-claimants has given the details of the bank accounts of Smt. Aruna and Jaya which is as under:-

“Bank Account Details of Smt. Aruna Aggarwal:-

Account No.067010100055383, Bank Name:- AXIS Bank Limited situated at Panchkula (HR), Panchkula-134109, IFS Code:- UTIB0000067

Bank Account Details of Smt. Jaya Aggarwal:-

Account No.067010100342551, Bank Name:- AXIS Bank Limited situated at Panchkula (HR), Panchkula-134109, IFS Code:- UTIB0000067”

The said bank details have also been given to the learned counsel for the Insurance Company and thus, the Insurance Company is directed to deposit the abovesaid amount of compensation along with interest in the same proportion as ordered by the Tribunal, within a period of six weeks, in the abovesaid two accounts.

ii) With respect to the claim on account of death of Mukesh Kumar, the respondent-Insurance Company is directed to deposit the additional amount of compensation to the tune of Rs.7,51,100/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today in the abovesaid bank accounts of the claimants-Smt. Aruna as well as Smt. Jaya in the proportion of 80% and 20% respectively.

iii) It would be relevant to note that the mother of the deceased Mukesh Kumar i.e. Ram Pyari had also filed a separate claim petition No.225 of 2006/07 and she was awarded an amount of Rs.5 lacs along with interest accrued thereupon out of the total amount of Rs.37,57,000/- along with interest. It has been stated by learned counsel for the appellants in FAO-



5555-2009 that the said Ram Pyari had died on 19.09.2010 and no one has come to pursue her appeal i.e., FAO-5806-2009. It is however, fairly submitted by learned counsel for the appellants in FAO-5555-2009 that in case any claim is made by legal representatives of the said Ram Pyari then the appellants in FAO-5555-2009 would make good the said claim in the said proportion as had been ordered by the Tribunal.

iv) Learned counsel for the claimants-appellants has submitted that 50% of the amount of compensation on account of interim orders is lying in the Punjab National Bank, Sector-20, Panchkula and the same be released to the claimants. In case the said amount is lying in the bank, as stated by the learned counsel for the appellants, the same be released to the claimants/appellants in FAO-5555-2009, in accordance with law.”

3. In view of the fair stand taken by learned counsel for the appellants in FAO-5555-2009, the present appeal is disposed of by reiterating the fact that in case any claim is made by legal representatives of the said Ram Pyari then the appellants in FAO-5555-2009 would make good the said claim in the said proportion as had been ordered by the Tribunal.

4. It is made clear that in case any cause survives in the present appeal, it would be open to the legal representatives of the appellant to revive the same.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

24.04.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No