

(2019) 01 RAJ CK 0001

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 606 Of 2014

Bane @ Banne Singh

APPELLANT

Vs

Oriental Insurance Company Ltd And Ors

RESPONDENT

Date of Decision : 02-01-2019

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, 168, 173

Citation : (2019) 01 RAJ CK 0001

Hon'ble Judges : P.K. Lohra, J

Bench : Single Bench

Advocate : RC Joshi, N.K. Joshi

Judgement

Appellant-claimant has preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, 'Act') with a prayer for enhancement of compensation quantified and awarded by Motor Accident Claims Tribunal, Pali, vide its judgment and award dated 22.01.2014. Learned Tribunal, while adjudicating appellant's claim under Section 166 of the Act, has awarded compensation to the tune of Rs.3,60,000/-with interest for the injuries suffered by him in a road accident which occurred on 13.07.2012. The accident was caused by Maruti Car bearing Registration No. RJ-19-2C-3795 which was insured with first respondent-Insurer.

The only contention of learned counsel for the appellant is that compensation awarded by the learned Tribunal is grossly inadequate and even not satisfying the requirements of just and fair compensation within the meaning of Section 168 of the Act.

Learned counsel appearing for respondent-Insurance Company submits that the Insurer is prepared to settle the matter perpetually by enhancing the amount of compensation commensurating with the guidelines issued by Rajasthan State Legal Services Authority (for short, 'Authority').

While agreeing with the proposal of learned counsel for the Insurer and inspired

by the spirit of Lok Adalat, learned counsel appearing for the appellant has also consented for deciding the matter in the spirit of Lok Adalat to enhance the amount of compensation in terms of guidelines issued by the Authority.

As agreed by learned counsel for the parties, the amount of compensation awarded by learned Tribunal merits enhancement by Rs.1,15,000/-.

In view thereof, the impugned award is accordingly modified and the total amount of compensation is redetermined and quantified to the tune of Rs.4,75,000/- including the interest. The respondent-Insurance Company is directed to pay the enhanced amount of Rs.1,15,000/-, which is inclusive of interest, within a period of four weeks from today or deposit the same with the learned Tribunal. In case, the enhanced amount of compensation is deposited with the learned Tribunal, the Tribunal shall disburse the same to the appellant-claimant in accordance with law.

Before parting, it is made clear that in case the enhanced amount of compensation is not paid by the Insurer within four weeks, then, the same shall carry interest @ 9% per annum from the date of filing of this appeal.