
(2019) 04 RAJ CK 0035

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 1980 Of 2015

Smt. Reena @ Renu And Ors

APPELLANT

Vs

Rishi Chawla And Ors

RESPONDENT

Date of Decision : 11-04-2019

Acts Referred:

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

Citation : (2019) 04 RAJ CK 0035

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

Bench : Single Bench

Advocate : B. Ray Bishnoj, Vishal Singhal

Judgement

Appellant-claimants have 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, Bhilwara, vide its judgment and award dated 21.07.2015. Learned Tribunal, while adjudicating appellants' claim under Section 166 of the Act, has awarded compensation to the tune of Rs.5,08,000/-with interest for death of Ram Lal (husband of appellant No.1, father of appellant No.2 and son of appellant No.3) in a road accident which occurred on 18.02.2010. The accident was caused by Truck bearing Registration No.HR-47-A-6781 which was insured with third respondent-Insurer.

The only contention of learned counsel for the appellants 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.2,85,000/-.

In view thereof, the impugned award is accordingly modified and the total amount of compensation is redetermined and quantified and the respondent Insurance Company is directed to pay additional lump sum amount of Rs.2,85,000/- to the claimants or deposit the same with the learned Tribunal forthwith. The amount so enhanced shall carry no interest. It is informed by learned counsel for insurer that the enhanced amount of compensation has already been deposited with the learned Tribunal. Therefore, the Tribunal is directed to disburse the same to the appellant-claimants in accordance with law.