

**FAO No. 267/2004**

31.8.2009

Present: Mr. T. S. Chauhan, Advocate, for the appellant.

Dr. Lalit Sharma, Advocate, for respondent No.3

As per office report dated 20.8.2009, actual date notices stand issued to respondents No.1, 2, 4 & 5 for today. There is no representation on their behalf.

In the award passed by the Motor Accident Claims Tribunal, Bilaspur, H.P. in M.A.C. Petition No.6 of 2001, titled as Pappi Devi & Ors. vs. Kuli Ram & Ors., the claimants Smt. Pappi Devi, Shri Ram Kumar & Smt. Kala Devi were awarded compensation of Rs.1,58,400/- in the following manner:-

- i) Petitioner No.1 : Rs.80,000/-
- ii) Petitioner No.2 and child born to petitioner No.1 after the death of her husband Shri Babu Ram. : Rs.30,000/- each.
- iii) Petitioner No.3 : Rs.18,400/-."

In the present appeal, Mr. Tara Singh Chauhan, learned counsel for the appellant has invited my attention to the decision rendered by this Court in FAO(MVA) No.306 of 2004, titled as Pappi Devi & Ors. vs. Kali Ram & Ors. reported in Latest HLJ 2008(HP) 1440.

Incidentally, the impugned award in the present appeal was also assailed by other claimants, namely, Smt. Pappi Devi and Shri Ram Kumar in the aforesaid case which stands decided by this Court on 15.9.2008. Obviously, the present appeal is covered by the said decision.

In the earlier appeal, the amount of compensation was enhanced from Rs.1,58,400/- to Rs.2,85,600/-. The award passed by the Tribunal was amended to the aforesaid extent. However, while enhancing the amount, no order was passed with regard to the apportionment of the enhanced amount.

Mr. Tara Singh Chauhan, learned counsel states that the amount has not been disbursed till date. The other claimants have chosen not to appear in the present proceedings. Accordingly, it is directed that the share of Smt. Kala Devi with regard to the enhanced amount shall be apportioned in the manner in which the claim was determined and apportioned by the Tribunal. Ordered accordingly. The appeal is disposed of.

**( Sanjay Karol ),**  
**Judge.**

**August 31, 2009**  
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