

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

FAO No.3462 of 2003 (O&M)

Date of Decision:07.03.2018

Marimma Saji and another

.....Appellants

Vs.

Shri Jagdish Parshad Yadav and anotherRespondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Bhupender Singh, Advocate
for the appellants.

Mr. Vijay Kumar Garg, Advocate
for respondent No.2.

RAMENDRA JAIN, J. (Oral)

Claimants have filed the instant appeal for enhancement of compensation against the death of Meledathu Sumathy Saji in a motor vehicular accident on 25.05.2001 by modifying the impugned award dated 31.01.2003 of the Motor Accident Claims Tribunal (for short, 'the Tribunal') upon an application of the claimants- appellant under Section 166 of the Motor Vehicle Act.

Both the parties are ad idem that the compensation to the claimants- appellant has to be awarded under the guidelines of the Apex Court in **National Insurance Company Limited v. Pranay Sethi and others**, 2017(4) RCR (Civil) 1009. As per calculation sheet Annexure 'A' placed on record by learned counsel for the appellants, the total compensation payable to the appellants comes to ₹7,41,994/- out of which an amount of ₹4,42,000/- has already been paid them. Therefore, net amount now payable to the appellants comes to ₹2,99,994/- (rounded off to ₹3 lakhs).

Learned counsel for respondent No.2- Insurance Company has not disputed the calculations aforesaid placed on record as Annexure `A' by the appellants and also the fact that the net amount now payable to the claimants is ₹3 lakhs.

In view of the discussion above, the claimants- appellant are awarded compensation of ₹3,00,000/- (three lakhs) over and above the compensation awarded by Ld. Tribunal to them. Respondent No.2- Insurance Company is directed to deposit the aforesaid amount of enhanced compensation before the Ld. Tribunal below within one month from today along with interest @ 9% per annum from the date of filing of the claim petition till its realisation for onward disbursement of the same to the claimants- appellant in accordance with law against proper receipt and identification in proportion so arrived at by the Tribunal below.

Disposed of.

March 07, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No