

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-4559-2010 (O&M)

Date of decision: 04.05.2018

Kamaljit Kaur and others

..... Appellants

Versus

Sandeep Kumar and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Dinesh Sharma, Advocate for the appellants.

None for respondents No. 1 and 2.

Mr. Sandeep Suri, Advocate  
for respondent No. 3-Insurance Company.

Mr. NK Verma, Advocate for respondents No. 4 and 5.

**RAMENDRA JAIN, J. (ORAL)**

Through this appeal, the claimants have claimed enhancement of compensation by modifying the impugned Award dated 12.08.2009 of the Motor Accident Claims Tribunal, Fatehgarh Sahib (for short-'the Tribunal').

Both the parties are *ad idem* that this appeal has to be decided in accordance to the principles laid down in **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.**

As per calculations (Annexure A) furnished by learned counsel for the claimant-appellants, the total amount of compensation payable to claimant-appellants and proforma respondents No. 4 and 5, according to **Pranay Sethi's case (supra)**, comes to ₹12,79,600/- less ₹6,25,000/-,

already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants and proforma respondents No. 4 and 5 are entitled to ₹6,54,600/- over and above the compensation awarded by the learned Tribunal, which includes ₹ 40,000/- towards consortium.

Learned counsel for respondent No. 3-Insurance Company has not been able to controvert or point out any infirmity in the above calculations (Annexure-A). Hence, the same is accepted.

In view of the above, the claimant-appellants and proforma respondents No. 4 and 5 are held entitled to compensation of ₹6,54,600/- over and above the amount of ₹ 6,25,000/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No. 3-Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within two months from today, along with up-to-date interest @ 6% per annum from the date of filing of claim petition till realization, for onward disbursement to the claimant-appellants and proforma respondents No. 4 and 5, in proportion so arrived at by it, in accordance with law against proper receipt and identification, after deducting ₹40,000/- towards consortium which is exclusive right of widow of the deceased and, thus, shall be paid to claimant/appellant No. 1-Kamaljit Kaur,

It is, however, made clear that non-deposit of enhanced amount of compensation within the stipulated period would entail interest @ 12% per annum with quarterly rests.

It is also clarified that in case, some amount by respondent No. 3-Insurance has already been deposited in compliance of the earlier decision of this Court dated 04.09.2017 which has been recalled later on vide order

dated 16.02.2018, the same shall adjusted in the aforesaid enhanced amount of compensation.

The instant appeal stands disposed of, accordingly.

**May 04, 2018**  
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**( RAMENDRA JAIN )**  
**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |