

FAO No.6404 of 2010

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

FAO No.6404 of 2010
Date of decision: 04.05.2018

Shri Mahipal Singh and another

.....Appellants

versus

The New India Assurance Company Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Nitin Jain, Advocate, for the appellants.
Mr. D.K. Prajapati, Advocate,
for Mr. R.S. Madan, Advocate, for respondent No.1.

RAMENDRA JAIN, J. (ORAL)

Prayer through instant appeal has been made for enhancement of compensation awarded to appellant-claimants by the Motor Accident Claims Tribunal, Gurgaon, vide award dated 16.03.2009.

Both the parties are *ad idem* that this appeal has to be decided in accordance with the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others***, 2017(4) R.C.R. (Civil) 1009.

Learned counsel for the appellants has produced the calculation sheet in accordance with ***Pranay Sethi's*** case (supra). The same is taken on record as Mark 'A'. As per calculations, appellants are entitled to compensation of ₹1,58,600/- over and above the compensation already awarded by the Tribunal. That apart, appellants are also held entitled to ₹12,000/- against bills/receipts (Ex.P-7 to P-15), which due to oversight

have been left by the learned Tribunal from adding in the medical expenses.

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Learned counsel for the Insurance Company has not been able to controvert or find any fault in the above calculations.

Consequently, appellants are awarded enhanced compensation of ₹1,70,600/- over and above the amount of compensation already granted to them by the Tribunal along with interest @ 7.5% per annum from the date of institution of claim petition till realization. Respondent No.1 – Insurance Company is directed to deposit the amount aforesaid within two months from today before the Tribunal for onward disbursement of the same to the appellants in proportion, so arrived at by the Tribunal in accordance with law against proper receipt and identification.

Disposed of.

(Ramendra Jain)
Judge

May 04, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No