

FAO No.13 of 2013

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

FAO No.13 of 2013
Date of decision: 20.02.2018

Smt. Santosh and others

.....Appellants

versus

Ishwar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Chander Shekhar Singhal, Advocate, for the appellants.
Mr. R.S. Bajiyan, Advocate, for respondent No.1.
Mr. R.C. Kapoor, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

This is an appeal against the award dated 31.07.2012 of the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as the 'Tribunal') whereby appellants have been awarded compensation of ₹ 6,10,000/- along with interest @ 7.5% per annum from the date of filing of the claim petition till actual realization.

Learned counsel for both the sides jointly stated at bar that according to the judgment of the Hon'ble Supreme Court in ***National Insurance Co. Ltd. Vs. Pranay Sethi and others***, 2017(4) RCR (Civil) 1009, compensation payable to the appellants comes to ₹ 9,10,000/-, out of which ₹ 6,10,000/- have already been paid. Thus, remaining compensation payable to the appellants is ₹ 3,00,000/- only.

Since both the parties are *ad idem* on the aforesaid enhanced compensation of ₹ 3,00,000/-, therefore, this appeal is disposed of with a

direction to respondent No.3 – Insurance Company to make payment of the

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aforesaid enhanced amount of compensation of ₹ 3,00,000/- within a month to the appellants in proportion as mentioned by the Tribunal along with interest @ 7.5% per annum from the date of claim petition till realization.

Since Insurance Company has been given recovery rights to recover the compensation amount from respondents No.1 and 2 by the Tribunal, therefore, the said finding of the Tribunal is maintained.

Disposed of accordingly.

February 20, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.