

FAO No.1318 of 2015

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

Date of decision: 25.04.2018

1. FAO No.1318 of 2015

Shri Ram General Insurance Company Ltd.

.....Appellant

versus

Gugo Rani @ Swarna Rani and others

.....Respondents

2. FAO No.3551 of 2015 (O&M)

Gugo Rani @ Swarna Rani and others

.....Appellants

versus

Mohinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Rajat Garg, Advocate,
for Mr. Tajender K. Joshi, Advocate,
for the appellant in FAO No.1318 of 2015 and
for respondent No.3 in FAO No.3551 of 2015.
Mr. Nitin Rampal, Advocate,
for the appellants in FAO No.3551 of 2015.
Mr. Puneet Kumar Bansal, Advocate,
for respondents No.5 and 6 in FAO No.1318 of 2015
and for respondent No.1 in FAO No.3551 of 2015.
Mr. Neeraj Madan, Advocate,
for respondents No.5 and 6 in FAO No.1318 of 2015.

RAMENDRA JAIN, J. (ORAL)

Above titled two appeals are being disposed of by this common judgment i.e. one filed by the claimants for enhancement of compensation and other by Insurance Company for reduction of the same awarded by Motor Accident Claims Tribunal, Ferozepur, vide award dated 02.08.2014.

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***

Ravinder Singh
2018.05.01
I attest to the accuracy and
authenticity of this document ***Insurance Company Limited v. Pranay Sethi and others, 2017(4) R.C.R.***

(Civil) 1009.

FAO No.1318 of 2015

In compliance of order dated 22.02.2018, learned counsel for the claimants has produced the calculation sheet in accordance with ***Pranay Sethi's*** case (supra) in Court. The same is taken on record as Mark 'A'. As per calculations, claimants were entitled to compensation of ₹9,67,750/- instead of ₹11,07,800/- awarded by the Tribunal. The Tribunal has awarded an amount of ₹1,40,050/- in excess to the claimants against their entitlement of ₹9,67,750/-. Learned counsel for respondents No.1 to 4-claimants has not been able to controvert the above calculations.

Consequently, impugned award is modified to the extent that claimants are awarded compensation of ₹9,67,750/- instead of ₹11,07,800/- awarded by the Tribunal along with interest @ 6% per annum from the date of institution of claim petition till realization. Insurance Company is directed to deposit the aforesaid amount less already deposited/paid to the claimants within two months from today before the Tribunal for onward disbursement of the same to the claimants in proportion so arrived at by the Tribunal in accordance with law against proper receipt and identification.

Disposed of.

(Ramendra Jain)
Judge

April 25, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No