

FAO No.3675 of 2013 (O&M)

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

FAO No.3675 of 2013 (O&M)

Date of decision: 15.05.2018

Smt. Lalita Devi and another

.....Appellants

versus

Shilesh Kumar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sanjay Verma, Advocate, for the appellant.
Ms. Swati Batra, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Vakalatnama filed on behalf of respondent No.2 is taken on record.

Prayer through instant appeal has been made for enhancement of compensation awarded to appellant-claimants by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as the 'Tribunal'), vide award dated 05.03.2013.

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) in Court. The same is taken on record as Mark 'A'. As per calculations, appellants are entitled to

compensation of ₹3,08,000/-. The Tribunal has already awarded

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compensation of ₹2,28,400/- to them. Thus, appellants are held entitled to compensation of ₹79,600/- over and above the compensation already awarded by the Tribunal. Learned counsel for the Insurance Company has not been able to controvert or find out any mistake or infirmity in the aforesaid calculations.

Consequently, appellants are awarded enhanced compensation of ₹79,600/- 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.2 – 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. In case, above enhanced amount is not deposited by the Insurance Company, the same would entail interest @ 12% per annum after two months

Disposed of.

May 15, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.