

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

Date of Decision: 22.05.2018

1. FAO No.4268 of 2013(O&M)

Bali Singh ... Appellant

Versus

Rajender & ors. ... Respondents

2. FAO No.4269 of 2013(O&M)

Laxmi Rao ... Appellants

Versus

Rajender & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Tapan Kumar Yadav, Advocate,
for the appellant.

Mr. A.S. Sidhu, Advocate,
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J.(Oral)

CM-17413-CII-2013 in FAO No.4268 of 2013

CM-17415-CII-2013 in FAO No.4269 of 2013

For the reasons mentioned in the applications, which are supported by affidavits, the same are allowed. Delay of 810 days in refiling the appeals is condoned.

CM-17414-CII-2013 in FAO No.4268 of 2013

CM-17416-CII-2013 in FAO No.4269 of 2013

For the reasons mentioned in the applications, which are supported by affidavits, the same are allowed. Delay of 12 days in filing the appeals is condoned.

Main appeals

Through this common judgment, above titled two appeals filed by the claimants for enhancement of compensation, modifying impugned award dated 11.10.2010 of the Motor Accident claims Tribunal, Narnaul (in short 'the Tribunal'), are being disposed of .

Both the parties are *ad idem* to the effect that FAO No.4268 of 2013 has to be decided according to principles laid down in National Insurance Company Ltd. Vs. Pranay Sethi & ors., 2017(4) RCR (Civil) 1009.

As per calculations Mark 'A' furnished by learned counsel for the appellant-claimant, in accordance with judgment aforesaid, appellant-claimant Bali Singh is entitled to enhanced compensation of ₹4,17,968/- over and above the compensation already awarded to him by the learned Tribunal vide impugned award.

Learned counsel for the respondent-Insurance Company has not been able to controvert or point out any error in the above calculations Mark 'A'.

Impugned award was passed on 11.10.2010, whereas the appeal was filed in the year 2013. Since there is inordinate delay of 822 days in filing and refiling the appeal, therefore, Insurance Company cannot be burdened with interest for the period of late filing of the appeal on account of lapse of the appellant-claimant.

In view of discussion made above, FAO No.4268 of 2013 stands disposed of with direction to respondent No.3-Insurance Company to deposit the enhanced compensation of ₹4,17,968/- before the learned Tribunal within two months from today along with upto-date interest @ 7.5% per annum from 22.10.2013, on which date application for condonation of delay in

refiling the appeal was filed along with the appeal, till realization for onward disbursement to the appellant-claimant, in accordance with law against proper receipt and identification.

FAO No.4269 of 2013(O&M)

Admittedly, appellant Laxmi Rao did not suffer any permanent disability. Even during trial, he did not produce any disability certificate or any medical bill. There is also no evidence that he suffered any grievous injury. For the simple injury, allegedly, suffered by him in the accident, he has already been adequately compensated by learned Tribunal, awarding ₹20,000/- as compensation. Since it is a case of no evidence, therefore, this appeal is liable to be dismissed.

Ordered accordingly.

22.05.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No