

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.6372 of 2013(O&M)

Date of Decision: 24.04.2018

Smt. Madhu Sikka & anr.

... Appellants

Versus

Sh. Jarnail Singh & ors.

.. Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms. Amandeep Kaur, Advocate, for
Mr. Ashwani Arora, Advocate,
for the appellants.

Ms. Sukhmani Patwalia, Advocate, for
Mr. Vikas Singh, Advocate,
for respondents No.1 & 2.

Mr. G.D. Gupta, Advocate,
for respondent No.3.

RAMENDRA JAIN, J.(Oral)

C.M. No.14638-CII of 2015 in
Cross Objection NO.131-CII of 2015

Jointly and several liability of the cross-objectors with respondent No.3-Insurance Company has been held by the learned Tribunal below. The compensation awarded has already been paid by the Insurance Company to the appellant. Therefore, cross-objections filed by respondents No.2 & 3 being not maintainable are dismissed on merit as well as being barred by limitation filed after exorbitant delay of 310 days.

FAO No.6372 of 2013(O&M)

Claimants through this appeal have sought enhancement of compensation by modifying impugned award dated 17.05.2013 of the Motor Accident claims Tribunal, Chandigarh (in short 'the Tribunal').

Learned counsel for the appellant *inter alia* contends that learned

Tribunal erroneously did not give medical expenses incurred by the appellants upon deceased vide bill (Ex.P-10) amounting to ₹2,55,892/-.

Learned counsel for the respondents have not been able to refute the aforesaid submission of learned counsel for the appellants.

Vide bill (Ex.P-10), the appellants had spent ₹2,55,892/- on the medical treatment of the deceased. Undisputedly, the learned Tribunal has not added the said amount while granting compensation to the appellants, may be due to oversight or on account of arithmetical mistake.

In view of discussion made above, the appellants are granted ₹2,55,892/- over and above the compensation already awarded to them by the learned Tribunal vide impugned award dated 17.05.2013 along with interest @ 6% per annum from the date of institution of the claim petition till realization.

The Insurance Company is directed to deposit the aforesaid enhanced compensation before the learned Tribunal within two months from today along with interest @ 6% per annum from the date of institution of the claim petition till realization for onward disbursement to the appellants-claimant in proportion so arrived at by it, in accordance with law against proper receipt and identification.

With the above observation, the appeal stands disposed of.

24.04.2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No