

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No.862 of 2013(O&M)

Date of decision: 14.05.2018

Harpreet Kaur and others

..... Appellants

Versus

Jaswinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr.H.S.Jugait, Advocate for the appellants.

Ms. Gulnoor Ghuman, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

C.M. No.5595-CII-2013

This is an application under Section 5 of the Limitation Act for condonation of delay of 291 days in filing the present appeal.

Heard.

For the reasons mentioned in the application, same is allowed.

Delay of 291 days in filing the present appeal is condoned.

FAO No.862 of 2013

Through this appeal, the claimants have claimed enhancement of compensation, modifying the impugned Award dated 06.12.2011 of the Motor Accident Claims Tribunal, Fatehgarh Sahib (for short-'the Tribunal').

Both the parties are *ad idem* that this appeal has to be decided in accordance to the principles laid down in **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.**

As per calculations (Annexure-A) furnished by learned counsel for the claimant-appellants, the total amount of compensation payable to claimant-appellants, according to **Pranay Sethi's case (supra)**, comes to

₹10,00,170/- less ₹5,01,000/-, already awarded by the learned Tribunal.

Meaning thereby, the claimant-appellants are entitled to ₹4,99,170/- over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No.3-Insurance Company has not been able to controvert or point out any infirmity in the above calculations (Annexure-A) filed by the learned counsel for the appellant-claimants. Hence, the same is accepted.

In view of the above, the claimant-appellants are held entitled to compensation of ₹4,99,170/- over and above the amount of ₹5,01,000/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No.3-Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within two months from today, along with up-to-date interest @7.5% per annum from the date of filing of claim petition till realization, for onward disbursement to the claimant-appellants, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

It is, however, made clear that non-deposit of enhanced amount of compensation within the stipulated period would entail interest @ 12% per annum with quarterly rests.

The instant appeal stands disposed of, accordingly.

May 14, 2018

Anjal

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No