

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4784 of 2015(O&M)

Date of Decision: 27.04.2018

Master Prachi & ors.

... Appellants

Versus

Mahabir Singh & ors.

.. Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Chirag Wadhwa, Advocate,
for the appellants.

Mr. Rajbir Singh, Advocate,
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J.(Oral)

C.M. No.14824-CII of 2015

For the reasons mentioned in the application, the same is allowed. Delay of 115 days in filing the appeal is condoned.

FAO No.4784 of 2015(O&M)

Claimants through this appeal have sought enhancement of compensation by modifying impugned award dated 22.10.2014 of the Motor Accident claims Tribunal, Karnal (in short 'the Tribunal').

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

Learned counsel for the appellants *inter alia* contends that according to the judgment aforesaid, the appellants-claimant are entitled to total compensation of ₹8,37,408/- less ₹5,43,000/- already awarded by the learned Tribunal, meaning thereby, the appellants-claimant are entitled to ₹2,94,408/- more over and above the compensation awarded by the learned

Tribunal.

Learned State counsel has not been able to refute the aforesaid submission of learned counsel for the appellants.

In view of discussion made above, the Insurance Company is directed to deposit the enhanced compensation of ₹2,94,408/- before the learned Tribunal within two months from today along with interest @ 7.5% 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.

27.04.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No