

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.5846 of 2015(O&M)
Date of Decision: 24.05.2018

Smt. Shanti & ors.

... Appellants

Versus

Rajesh Kumar & ors.

.. Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ram Pal Verma, Advocate,
for the appellants.

Ms. Vandana Malhotra, Advocate,
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J.(Oral)

CM-18367-CII-2015

For the reasons mentioned in the application, the same is allowed. Delay of 295 days in filing the appeal is condoned.

FAO No.5846 of 2015(O&M)

Claimants through this appeal have sought enhancement of compensation by modifying impugned award dated 02.07.2014 of the Motor Accident claims Tribunal, Jhajjar (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.

As per calculations Mark 'A' furnished by learned counsel for the appellant-claimant, in accordance with judgment aforesaid, the appellants-claimant are entitled to enhanced compensation of ₹1,54,000/- over and above the compensation already awarded to them 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'.

In view of discussion made above, this appeal stands disposed of with direction to respondent No.3-Insurance Company to deposit the enhanced compensation of ₹1,54,000/- before the learned Tribunal within two months from today along with upto-date interest @ 7.5% per annum from the date of institution of the claim petition, less 295 days for which period the appellants are not entitled to interest on account of their own lapse of filing this appeal delayed by 295 days, 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. In case of non-compliance of this order, the enhanced compensation would entail interest @ 12% after two months.

24.05.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No