

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-9271-2014

Date of decision: 02.05.2018

Balwinder Kaur and others

..... Appellants

Versus

Baba Bachan Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Gaurav Sharma, Advocate for the appellants.

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

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the claimants have claimed enhancement of compensation by modifying the impugned Award dated 22.01.2014 of the Motor Accident Claims Tribunal, Barnala (for short-'the Tribunal').

Both the parties are *ad idem* that this appeal would be decided according to the principles laid down in **National Insurance Company Ltd.**

Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.

Learned counsel for the claimant-appellants contends that nothing has been awarded by the learned Tribunal towards attendant charges to the claimant-appellants during 10 days of hospitalization of the deceased. While submitting calculations 'Mark A' according to **Pranay Sethi's case (supra)**, learned counsel contends that claimant-appellants are entitled to total compensation of ₹ 11,16,800/- less ₹ 8,12,000/- already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants

are entitled to ₹ 3,04,800/- over and above the compensation awarded by the learned Tribunal. Besides a sum of ₹ 1200/- is granted to them towards attendant charges. The total enhanced compensation comes to ₹ 3,06,000/-.

Learned counsel for respondent No. 3 has not been able to controvert the above submission of learned counsel for the appellants. Hence, the same is accepted.

In view of the above, the claimant-appellants and proforma respondent No. 4 are held entitled to compensation of ₹ 3,06,000/- over and above the amount of ₹ 8,12,000/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No. 3-Insurance Company is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within two months from today along with interest @ 6% per annum from the date of filing of claim petition till realization for onward disbursement to the claimant-appellants and proforma respondent No. 4, 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 02, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No