

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 08.05.2018

1. FAO No.2731 of 2017(O&M)

National Insurance Co. Ltd. ... Appellant

Versus

Jaswinder Kaur & ors. ... Respondents

2. FAO No.3265 of 2017(O&M)

Jaswinder Kaur & anr. ... Appellants

Versus

Major Singh & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Lalit Garg, Advocate,
for the appellant in FAO No.2731 of 2017 and
for respondent No.3 in FAO No.3265 of 2017.

Mr. Ashok Jindal, Advocate,
for the appellants in FAO No.3265 of 2017 and
for respondents No.1 and 2 in FAO No.2731 of 2017.

RAMENDRA JAIN, J.(Oral)

Above titled two appeals are being disposed of by this common judgment i.e. one filed by the claimants for enhancement of compensation and other by Insurance company for reduction of the same by modifying impugned award dated 08.12.2016 of the Motor Accident claims Tribunal, Bathinda (in short 'the Tribunal')

Both the parties are *ad idem* that these appeals have to be decided in accordance with latest judgment of the Hon'ble Supreme Court in

National Insurance Company Ltd. Vs. Pranay Sethi & ors., 2017(4) RCR

(Civil) 1009.

As per calculations Annexure 'A' furnished by learned counsel for the appellant-Insurance Company, in accordance with judgment aforesaid, the total compensation payable to the appellants-claimant comes to ₹14,58,000/-, whereas the learned Tribunal vide impugned award has awarded compensation of ₹16,51,000/- i.e. ₹1,93,000/- in excess.

Learned counsel for the appellants-claimant has not been able to controvert or point out any infirmity in the above calculations Annexure 'A'.

Relying upon the calculations Annexure 'A', the appeal of the appellants-claimant bearing FAO No.3265 of 2017 is dismissed and the appeal filed by the appellant-Insurance Company bearing FAO No.2371 of 2017 is accepted.

The appellants-claimant are directed to refund the excess amount of ₹1,93,000/- to the appellant-Insurance Company through learned Tribunal within two months from today along with proportionate interest awarded to them, failing which the above excess amount would entail interest @ 12% per annum. Learned Tribunal shall ensure the compliance of this order.

08.05.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No