

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

IOIN FAO-5610-2011 IN
FAO-5610-2011
Date of decision: 14.05.2018

Prem Chand and others

..... Appellants

Versus

Jai Pal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr.J.S.Chahal, Advocate for the appellants.

Mr. T.K. Joshi, Advocate for the respondent-Insurance
Company.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the claimants have sought enhancement of compensation, modifying the impugned Award dated 17.05.2011 of the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (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 ₹5,99,320/-{5,44,320+55,000(under conventional heads inasmuch as Rs.15000/-has already been awarded by the Tribunal below)=5,99,320} less ₹2,04,500/-(but due to typographical mistake, the amount has been wrongly

mentioned as 2,04,500/- instead of 2,09,500/-), already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹4,09,820/- over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No.5-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 ₹3,94,820/- over and above the amount of ₹2,04,500/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No.5-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

Yes/No

Whether Reportable

Yes/No