

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-838-2019(O&M)

Date of decision: 28.11.2019

Smt. Munni Jain and others

..... Appellants

Versus

Yashudev and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ashish Gupta, Advocate for the appellants.

Mr. DK Prajapati, Advocate for respondent No. 3.

Service of respondents No. 1 and 2 already
dispensed with vide order dated 11.09.2019.

RAMENDRA JAIN, J. (ORAL)

Memo of appearance filed on behalf respondent No. 3 is taken on record. Be tagged at the appropriate place.

Through this appeal, the appellant-claimants have sought enhancement of compensation, modifying impugned Award dated 22.11.2018 of the Motor Accident Claims Tribunal, Gurugram (for short 'the Tribunal').

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

As per calculation furnished by learned counsel for the appellant-claimants, which is taken on record Mark 'A', duly signed by him as well as learned counsel for respondent No. 3-Insurance Company, the total amount of compensation payable to appellant-claimants, according to

Pranay Sethi's case (supra), comes to ₹8,71,504/- less ₹8,35,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹36,504/- more over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No. 3-Insurance Company has not been able to controvert or point out any infirmity in the above calculations (Mark-A). Hence, the same is accepted.

In view of the above, the appellant-claimants are held entitled to compensation of ₹36,504/- more over and above the amount of ₹8,35,000/-, awarded by the learned Tribunal, vide Award impugned herein. Respondent No. 3-Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the learned Tribunal within one month 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 appellant-claimants, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

Non-deposit of aforesaid enhanced amount of compensation within the stipulated period would entail interest @ 15% per annum, with quarterly rests, after one month.

Disposed of.

November 28, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No