

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-1265-2019 (O&M)

Date of decision : 25.11.2019

Kirandeep and others

...Appellants

Vs.

Akhtiar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN.

Present: Mr. Arshdeep Singh Brar, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No. 3-Insurance Company.

...

RAMENDRA JAIN, J. (Oral)

CM-3755-CII-2019

Through this application under Section 5 of the Limitation Act
prayer has been made for condonation of 16 days delay in filing the appeal.

Heard.

For the reasons explained in the application, same is allowed.

Delay of 16 days' in filing the appeal is condoned.

CM-3767-CII-2019

Through this application under Section 151 of the CPC prayer
has been made for condonation of 303 days' delay in re-filing the appeal.

Heard.

For the reasons explained in the application, same is allowed.

Delay of 303 days' in re-filing the appeal is condoned.

FAO-1265-2019

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 20.07.2017 of the Motor Accident Claims Tribunal, Moga (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', the total amount of compensation payable to appellant-claimants, according to ***Pranay Sethi's case (supra)***, comes to ₹ 14,42,920/- less ₹ 10,00,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹ 4,42,920/- 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 ₹ 4,42,920/- more, over and above the amount of ₹ 10,00,000/- already 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-dated interest @ 7.5% per annum from the date of filing of claim petition less 319 days for late filing of this appeal beyond the period of limitation 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.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with interest @ 15% per annum from the date of expiry of one month.

Disposed of.

25.11.2019

Harish Kumar

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No