

FAO No.2731 of 2001

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

FAO No.2731 of 2001
Date of decision: 22.10.2019

Hardev Kaur and others

.....Appellants

versus

Gurpreet Singh @ Gopi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. P.S. Punia, Advocate, for the appellants.
Mr. R.N. Singal, Advocate, for respondent No.4.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 27.02.2001 of the Motor Accident Claims Tribunal, Ludhiana (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 Insurance Company, duly signed by both the sides, which is taken on record Mark 'A', the total compensation payable to appellant-claimants, according to ***Pranay Sethi's case (supra)***, comes to ₹1,88,800/- less ₹60,000/-, already awarded by the learned Tribunal. Meaning thereby, the

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appellant-claimants are entitled to ₹1,28,800/- more, over and above the compensation awarded by the learned Tribunal.

In view of the above, the appellant-claimants are held entitled to compensation of ₹1,28,800/- more, over and above the amount of ₹60,000/- already awarded by the learned Tribunal, vide Award impugned herein. Respondent No.4-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.

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 institution of claim petition till realization.

Disposed of .

October 22, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No