

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM No.15099-CII of 2019 in/and
FAO No.3756 of 2006
Date of decision : 23.7.2019

Ashish Kalsi and others

...Appellants

Vs.

Dalwinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.L.R.Sharma, Advocate for the appellants.

Mr.Vinod Gupta, Advocate for respondent-New India
Assurance Co.Ltd.

RAMENDRA JAIN, J. (ORAL)

CM No.15099-CII of 2019

CM is allowed as prayed for.

The main case is being taken up on board.

Main Case

Prayer through instant appeal has been made for enhancement of compensation awarded to appellant-claimants by the Motor Accident Claims Tribunal, Kapurthala, vide award dated 26.2.2005.

Both the parties are *ad idem* that this appeal has to be decided in accordance with the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others, 2017(4) R.C.R. (Civil) 1009.***

Learned counsel for appellants has produced the calculation

sheet in accordance with *Pranay Sethi's* case (supra) in Court. The same is taken on record as Mark 'A.' As per calculations, appellants are entitled to compensation of ₹16,50,535/- more, over and above the compensation already awarded by the Tribunal, which is not refuted by learned counsel for respondent – New India Assurance Company.

Consequently, the compensation awarded by the learned Tribunal to the appellants-claimant to the tune of ₹4,82,000/- is enhanced to ₹21,32,535/- along with interest @ 7.5% per annum from the date of institution of claim petition till realization. Respondent – New India Assurance Company Ltd. is directed to deposit the enhanced amount of ₹16,50,535/- within two months from today before the Tribunal for onward disbursement of the same to the appellants in proportion so arrived at by the Tribunal 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% from the date of institution of claim petition till realization.

Disposed of.

23.7.2019
Meenu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No