

FAO No.5142 of 2019 (O&M)

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

FAO No.5142 of 2019 (O&M)  
Date of decision: 28.11.2019

National Insurance Company Ltd.

.....Appellant

versus

Pooja and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Sanjeev K. Arora, Advocate, for the appellant.  
Mr. Rahul Jaswal, Advocate, for respondents No.1 to 6.  
Mr. Sayyam Batra, Advocate, for respondent No.7.

**RAMENDRA JAIN, J. (ORAL)**

Joint vakalatnama on behalf of respondent No.1 to 6 and separate on behalf of respondent No.7 filed in Court today are taken on record. Be tagged at appropriate place.

Through this appeal, Insurance Company has laid challenge to award dated 06.03.2019 of the Motor Accident Claims Tribunal, Panipat (in short the 'Tribunal'), awarding compensation of ₹26,40,400/- along with interest @ 7.5% per annum from the date of filing claim petition till actual realization, on account of death of Puneet, husband of respondent No.1, father of respondents No.2 and 4 and son of respondents No.5 and 6, in a motor vehicular accident.

Producing calculation, which is taken on record as Mark-'A', learned counsel for the appellant-Insurance Company submits that the Tribunal has awarded compensation in excess to the entitlement of

FAO No.5142 of 2019 (O&M)

respondents No.1 to 6 – claimant. Claimants were entitled to compensation of only ₹20,49,422/-, but, the Tribunal has awarded ₹5,90,978/- in excess to them.

The calculation has been accepted and counter-signed by learned counsel for respondents No.1 to 6 – claimant.

In view of above, impugned award is modified. Compensation from ₹26,40,400/- payable to respondents No.1 to 6 – claimant is reduced to ₹20,49,422/- along with interest @ 7.5% per annum from the date of filing claim petition till realization. The Tribunal, on approach by appellant-Insurance Company, would recover the aforesaid excess amount from respondents No.1 to 6-claimant and reimburse the same to the Insurance Company.

Disposed of accordingly.

**(Ramendra Jain)**  
**Judge**

**November 28, 2019**  
**R.S.**

Whether speaking/reasoned      Yes/No

Whether reportable                Yes/No