

FAO No.2726 of 2010 (O&M)

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

FAO No.2726 of 2010 (O&M)
Date of decision: 17.12.2019

Naveen Kumar and another

.....Appellants

versus

Parveen Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Prashant Singh Chauhan, Advocate, for the appellants.
Mr. Ravinder Arora, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

CM-25431-CII of 2019

Through this application under Section 151 CPC prayer has been made for placing on record the memo of parties in pursuance of order dated 18.09.2019.

Heard.

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

Amended memo of parties is taken on record. Be tagged at appropriate place.

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On oral request of learned counsel for both the sides, this appeal is taken up for hearing today itself.

Through this appeal, the claimants have sought enhancement

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of compensation, modifying impugned award dated 28.11.2009 of the Motor Accident Claims Tribunal, Rewari (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 ₹8,76,400/- less ₹5,85,500/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹2,90,900/- 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 ₹2,90,900/- more, over and above the amount of ₹5,85,500/- 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-date interest @ 7.5% per annum from the date of filing of claim petition till realization, for onward disbursement to the

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appellant-claimants, in proportion so arrived at by it, in accordance with law against proper receipt and identification. Share of deceased claimant Babita, whose name has been struck off from the array of parties vide order dated 18.09.2019 of this Court, shall be disbursed equally between the appellants-claimant.

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 .

December 17, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No