

FAO No.3728 of 2011 (O&M)

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

FAO No.3728 of 2011 (O&M)
Date of decision: 20.11.2019

National Insurance Company Ltd.

.....Appellant

versus

Darshan Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. R.N. Singal, Advocate,
for the appellant.

Mr. Vipin Mahajan, Advocate,
for respondents No.1 and 2.

Ms. Reena, Advocate,
for Mr. K.S. Kahlon, Advocate,
for respondents No.4 and 5.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, Insurance Company has sought reduction of compensation awarded to respondents No.1 and 2-claimant, modifying impugned award dated 09.02.2011 of the Motor Accident Claims Tribunal, Gurdaspur (in short 'the Tribunal').

Briefly, in the evening of 05.05.2007 Santokh Singh died in a motor vehicular accident caused by respondent No.5 Palwinder Singh while driving Qualis bearing registration No.PB-10AT-1235.

Being aggrieved of his death, widow and major son of

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Santokh Singh filed claim petition under Section 166 of the Motor Vehicles Act, 1988 to award compensation to them against the death of Santokh Singh.

The Tribunal, after holding trial, awarded a sum of ₹20,56,500/- along with interest @ 6% per annum from the date of filing claim petition till realization to respondents No.1 and 2 – claimant vide impugned award dated 09.02.2011.

Learned counsel for appellant-Insurance Company, producing calculation, which is taken on record as 'Mark-A', and relying upon judgment of the Hon'ble Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and others***, 2017 (4) RCR (Civil) 1009, urged that respondents No.1 and 2-claimant are entitled to compensation of ₹14,75,044/-. Therefore, impugned award is required to be modified and compensation has to be reduced from ₹20,56,500/- awarded by the Tribunal to ₹14,75,044/-.

Learned counsel for respondents No.1 and 2-claimant has not shown any contrary law to the ***Pranay Sethi's*** case (supra).

Heard.

In view of above, impugned award is modified. Compensation awarded by the Tribunal to the tune of ₹20,56,500/- to respondents No.1 and 2 – claimant is reduced to ₹14,75,044/- 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 excess amount, if paid, from respondents No.1 and 2-

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claimant and reimburse the same to the Insurance Company.

Disposed of.

November 20, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No