

FAO No.1910 of 2014 (O&M)

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

FAO No.1910 of 2014 (O&M)
Date of decision: 18.11.2019

Kiran Bala and another

.....Appellants

versus

Multan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. M.S. Bajwa, Advocate, for the appellants.
Mr. Sandeep Suri, Advocate, for respondent No.3.
Mr. A.S. Tewatia, Advocate, for respondent No.4.
Mr. Ashwani Talwar, Advocate, for respondent No.5.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant-claimants No.1 and 2 have sought enhancement of compensation, modifying impugned award dated 25.07.2012 of the Motor Accident Claims Tribunal, SAS Nagar, Mohali (in 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. v. 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 as Mark 'A', the total amount of compensation payable to the appellant-claimants, according to ***Pranay Sethi's*** case (supra), comes to ₹9,66,000/- less ₹5,75,000/-, already awarded by the Tribunal to the appellants. Meaning thereby, appellant-claimants are entitled to ₹3,91,000/- more, over and above the compensation awarded by

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the 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 above, the appellant-claimants are held entitled to compensation of ₹3,91,000/- more, over and above the amount of ₹5,75,000/- already awarded by the Tribunal to them, vide award impugned herein. Respondent No.3 – Insurance Company, through its counsel is directed to deposit the aforesaid enhanced amount of compensation before the Tribunal within one month from today, along with upto-date interest @ 7.5% per annum from the date of filing 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 expiry of one month.

Disposed of.

(Ramendra Jain)
Judge

November 18, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No