

FAO No.3897 of 2013

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

FAO No.3897 of 2013  
Date of decision: 19.10.2019

Rajan Kumar

.....Appellant

versus

Sewa Singh and others

.....Respondents

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

Present: - Mr. Ashwani Arora, Advocate, for the appellant.  
Mr. Ameet Awasthi, Advocate, for respondent No.2.  
Mr. B.S. Jain, Advocate, for respondent No.3.

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

Through this appeal, injured-claimant sought enhancement of compensation, modifying impugned award dated 09.11.2009 of the Motor Accident Claims Tribunal, Panchkula (for short 'the Tribunal').

Learned counsel for the appellant and respondent No.3 – Insurance Company have furnished joint calculation, duly signed and counter-signed by them, which is taken on record as Mark 'A'. Learned counsel for the appellant referring to judgment of the Hon'ble Supreme Court in *Syed Sadiq etc. v. Divisional Manager, United India Ins. Co., 2014(1) R.C.R.(Civil) 765*, submits that appellant is entitled to future prospects @ 40%.

Both the sides are *ad idem* that this appeal has to be decided as per calculation (Mark 'A'), according to which appellant-claimant is entitled to compensation of ₹4,02,880/- more, over and above the

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compensation of ₹1,11,800/- awarded by the learned Tribunal.

In view of the above, the appellant-claimant is held entitled to compensation of ₹4,02,880/- more, over and above the amount of ₹1,11,800/- 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 appellant-claimant 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 institution of claim petition till realization.

Disposed of .

**October 19, 2019**  
R.S.

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

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No