

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

**FAO-1765-2015 (O&M)
Date of Decision : 19.12.2019**

Islam and another
Versus
..... Appellants

Kamru and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Ashish Gupta, Advocate
for the appellants.

Respondent Nos.1 and 2 already proceeded against ex
parte vide order dated 14.11.2019.

Mr. Rajbir Singh, Advocate
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J. (Oral)

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 28.01.2015 of the Motor Accident Claims Tribunal, Mewat (for short 'the Tribunal').

Briefly, on 05.09.2013, deceased Munfed died in a motor vehicular accident, allegedly caused by respondent No.1, while driving vehicle No.HR-55D-2026, owned by respondent No.2 and insured with respondent No.3, in a rash and negligent manner.

Being aggrieved, parents of deceased filed a claim petition under Section 166 of the Motor Vehicles Act before the Tribunal at Mewat.

The Tribunal, after holding trial, awarded compensation of

₹6,36,000/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing claim petition till realization.

Learned counsel for appellants, producing calculations Mark-A, contends that appellants are entitled to enhanced compensation of ₹1,80,240 over and above the amount of compensation, awarded by the learned Tribunal, in view of dictum laid down in ***National Insurance Company Ltd. Vs. Pranay Sethi and others***, 2017 (4) RCR (Civil) 1009.

As per calculations 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 ₹8,16,240/-, less Rs.6,36,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹1,80,240/- 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 ₹1,80,240/- more, over and above the amount of ₹6,36,000/- 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-claimants, in proportion so arrived at by it, in accordance with law against proper receipt and identification. Rest of the terms and conditions qua recovery rights given by learned Tribunal to Insurance Company shall remain the same.

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 accordingly.

19.12.2019
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No