

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-2099-2015 (O&M)

Date of decision: 18.09.2019

Lakhi Ram and others

..... Appellants

Versus

Banwari Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Ms. Ekta, Advocate for
Mr. Amit Kumar Goyal, Advocate for the appellants.

Mr. Ravinder Arora, Advocate
for respondent No. 3-Insurance Company.

RAMENDRA JAIN, J. (ORAL)

CM-6489-CII-2015

For the reasons explained in the application which is supported by an affidavit, the same is allowed. Delay of 147 days in filing the instant appeal is condoned.

FAO-2099-2015

Through this appeal, the claimants have claimed enhancement of compensation, modifying the impugned Award dated 29.05.2014 of the Motor Accident Claims Tribunal, Panipat (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 calculations (Mark A) furnished by learned counsel for the claimant-appellants which is taken on record, the total amount of compensation payable to claimant-appellants, according to Pranay Sethi's case (supra), comes to ₹10,88,400/- less ₹6,08,000/-, awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹4,80,400/- 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 claimant-appellants are held entitled to compensation of ₹4,80,400/- over and above the amount of ₹6,08,000/- 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 claimant-appellants, 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% from the date of institution of claim petition till realization.

Disposed of.

September 18, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No