

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-4435-2014 (O&M)

Date of decision: 14.11.2019

Harmukhi and another

..... Appellants

Versus

M/s Om Parkash Jugal Kishore and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

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

Mr. Ashwani Talwar, Advocate
for respondent No. 3-Insurance Co.

RAMENDRA JAIN, (ORAL)

Through this appeal, the appellant-claimants have sought enhancement of compensation, modifying impugned Award dated 08.04.2013 of the Motor Accident Claims Tribunal, Nuh (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 calculation 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 ₹7,78,800/- less ₹7,62,200/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹16,600/- 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 ₹16,600/- more over and above the amount of ₹7,62,200/-, 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.

Non-deposit of aforesaid enhanced amount of compensation within the stipulated period would entail interest @ 15% per annum, with quarterly rests, after one month.

Disposed of.

November 14, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No