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

FAO No.2907 of 2015 (O&M)
Date of decision: 22.11.2019

Smt. Luxmi Devi Jain and others
.......Appellants

versus

Rakesh and others
......Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sandeep Kotla, Advocate, for the appellants.
Mr. Punit Jain, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 24.12.2014 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 calculation furnished by learned counsel for the respondent No.3 – Insurance Company, 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 ₹40,83,758/- less ₹32,21,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹8,62,758/- more, over and above the compensation awarded by the learned Tribunal.

Learned counsel for the appellant-claimants 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 ₹8,62,758/- more, over and above the amount of ₹32,21,000/- 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.

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 .

November 22, 2019 **(Ramendra Jain)**
R.S. **Judge**

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