

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-1895-2016 (O&M)

Date of decision: 08.11.2019

Kusum and others

..... Appellants

Versus

Samshad and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. SS Nara, Advocate for the appellants.

Mr. Puneet Jain, Advocate for
Mr. MB Jain, Advocate
for respondent No. 3-Insurance Company.

Service of respondents No. 1 and 2 already dispensed with
vide order dated 05.09.2019.

RAMENDRA JAIN, (ORAL)

Vakalatnama filed on behalf of respondent No. 3-Insurance
Company is taken on record. Be tagged at the appropriate place.

Through this appeal, the appellant-claimants have sought
enhancement of compensation, modifying impugned Award dated
17.07.2015 of the Motor Accident Claims Tribunal, Yamuna Nagar at
Jagadhri (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 ₹12,19,120/- less ₹8,50,800/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹3,68,320/- more over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No. 2-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 ₹3,68,320/- more over and above the amount of ₹8,50,800/-, awarded by the learned Tribunal, vide Award impugned herein. Respondent No. 2-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 08, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No