

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-5272-2013 (O&M)

Date of decision: 02.07.2019

National Insurance Company Ltd.

..... Appellant

Versus

Smt. Seema and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Neeraj Khanna, Advocate for the appellant.

Mr. Sushil Kumar, Advocate for
Mr. RS Hooda, Advocate
for claimant-respondents No. 1 to 5.

Mr. RA Sheoran, Advocate for respondent No. 6-Driver.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, appellant-Insurance company has prayed for reduction in compensation awarded by the Motor Accident Claims Tribunal, Bhiwani, (for short-'the Tribunal'), vide impugned Award dated 02.07.2013, in a claim petition under Section 166 of the Motor Vehicles Act.

Both the sides are *ad idem* that this appeal has to be decided in accordance with the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others, 2017(4) R.C.R.(Civil) 1009.**

Calculations 'Mark-A', jointly submitted by learned counsel

for both the sides are taken on record. Be tagged at the appropriate place.

According to **Pranay Sethi's case (supra)**, the compensation sought to be awarded to claimant-respondents No. 1 to 5 comes to ₹34,97,200/- whereas the Tribunal has awarded ₹36,30,000/- along with interest @ 6% per annum i.e. ₹ 1,32,800/- only in excess . In case, the interest components is enhanced from 6% per annum to 7.5% per annum, in that eventuality, the compensation awarded by the Tribunal, would meet the ends of justice. Even otherwise, there is not much difference in between the compensation awarded by the Tribunal and as per calculation 'Mark-A'.

In view of the above, this Court is not inclined to interfere with the amount of compensation i.e. ₹36,30,000/- awarded by the Tribunal, vide impugned Award. Accordingly, the same is upheld.

The instant appeal stands disposed of.

July 02, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No