

Cross Objection No.172-CII of 2017 in/and
FAO No.2603 of 2016 (O&M)

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

Cross Objection No.172-CII of 2017 in/and
FAO No.2603 of 2016 (O&M)
Date of decision: 06.11.2019

National Insurance Co. Ltd.

.....Appellant

versus

Mrs. Sukhjeet Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Swatantar Kapoor, Advocate,
for the appellant.

Mr. Ashwani Arora, Advocate,
for respondents No.1 to 3 – Cross-objectors.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, Insurance Company has laid challenge to award dated 20.11.2015 of the Motor Accident Claims Tribunal, SAS Nagar (Mohali) (in short the 'Tribunal'), awarding compensation of ₹22,94,900/- along with interest @ 9% per annum from the date of filing claim petition till realization, on account of death of Gurmukh Singh, husband of respondent No.1 and father of respondents No.2 and 3, in a motor vehicular accident.

Producing calculation, which is taken on record as Mark-'A', learned counsel for the appellant-Insurance Company submits that the Tribunal has awarded compensation in excess to the entitlement of respondents No.1 to 3 – claimant. Claimants were entitled to compensation

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of only ₹20,04,029/-, but, the Tribunal has awarded ₹2,90,871/- in excess to them.

The calculation has been accepted and counter-signed by learned counsel for respondents No.1 to 3 – claimant.

In view of above, impugned award is modified. Compensation from ₹22,94,900/- payable to respondents No.1 to 3 – claimant is reduced to ₹20,04,029/- along with interest @ 7.5% per annum from the date of filing claim petition till realization. The Tribunal, on approach by appellant-Insurance Company, would recover the aforesaid excess amount from respondents No.1 to 3-claimant and reimburse the same to the Insurance Company.

Accordingly, the appeal stands disposed of and cross-objections filed by respondents No.1 to 3 – claimant for enhancement of compensation are dismissed.

(Ramendra Jain)
Judge

November 06, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No