

FAO No. 5259 of 2014 (O&M)

Date of decision : August 26, 2019

Anita and others

.....Appellants

Versus

Atul Nakara and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vivek Salathia, Advocate
for the appellants.Mr. Vinod Gupta, Advocate
for respondent No. 3.

LISA GILL, J.

This appeal has been filed by the appellants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Amritsar vide award dated 24.01.2014.

Learned counsel for the appellants submits that appellants had given their consent to the proposed enhancement before the Lok Adalat on 03.12.2015. An increment of ₹5 lakhs over and above the awarded amount was proposed, keeping in view the judgments of the Hon'ble Supreme Court in **Rajesh and others vs. Rajbir Singh and others 2013 (9) SCC 54** as well as **Vimal Kanwar and others vs. Kishore Dan and others 2013 (7) SCC 476**. However, the matter could not be finally settled as concurrence from the insurance company was not forthcoming on the ground that the total compensation would exceed Rs.50 lakhs with the addition of Rs.5 lakhs. Therefore, even the Board did not have power to settle the matter by way of compromise before the Lok Adalat.

Learned counsel for the appellants submits that in view of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited versus Pranay Sethi and others 2017 (4) RCR (Civil) 1009**, the

appellants shall be satisfied in case an increment of Rs.3,50,000/- over and above the awarded amount is granted alongwith the interest at the rate of 7.5% per annum.

Learned counsel for respondent No. 3 submits that insurance company has no objection, in case, this appeal is disposed of in the aforesaid terms. Keeping in view the abovesaid stand of the respective parties, it is held that the appellants are entitled to ₹3,50,000/- over and above the awarded amount alongwith interest at the rate of 7.5% per annum on the said enhanced amount from the date of filing of the petition till realisation.

Accordingly, present appeal is disposed of.

August 26, 2019
rts

(Lisa Gill)
Judge

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