

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

FAO-4158-2015 (O&M)
Date of Decision : 22.11.2019

Smt. Pinki and others

..... Appellants

Versus

Jogender and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Anshuman Dalal, Advocate
for the appellants.

Mr. A.K.Ranolia, Advocate
for Mr. Shiv Kumar, Advocate
for respondent No.2.

Mr. Varun, Advocate
for Mr. Satpal Dhamija, Advocate
for respondent No.3.

RAMENDRA JAIN, J. (Oral)

CM-20512-CII-2015

Learned counsel for applicants-appellants prays for withdrawal of the instant application, as the application i.e. CM-13330-CII-2015, claiming the same, has already been disposed of vide order dated 05.09.2017.

Dismissed as withdrawn.

FAO-4158-2015

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 07.03.2013 of the Motor Accident Claims Tribunal, Sonipat (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 ₹16,76,500/-, less Rs.9,20,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to Rs.7,56,500/- more over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No.3-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 ₹7,56,500/- more, over and above the amount of Rs.9,20,000/- 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, less 592 days for late filing of this appeal beyond the period of limitation 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.

(RAMENDRA JAIN)
JUDGE

22.11.2019
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No