

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-6402-2013 (O&M)

Date of decision: 01.11.2019

Rajender and others

..... Appellants

Versus

Bhavnish Thapa and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ram Pal Verma, Advocate for the appellants.

Mr. Vishal Aggarwal, Advocate
for respondent No. 2-Insurance Company.

Service of respondent No. 1 dispensed with
vide order dated 13.09.2019.

RAMENDRA JAIN, (ORAL)

Through this appeal, the appellant-claimants have sought enhancement of compensation, modifying impugned Award dated 30.11.2012 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 ₹7,86,000/- less ₹2,82,500/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to

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 ₹5,03,500/- more over and above the amount of ₹2,82,500/-, 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 01, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No