

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

219

FAO-3306-2016 (O&M)
Date of Decision : 24.09.2019

National Insurance Company Appellant

Versus

Kulwant Kaur and others Respondents

2.

FAO-3511-2016 (O&M)

Kulwant Kaur Appellant

Versus

Jarnail Singh and others Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms. Madhu Sharma, Advocate
for the appellant in FAO-3306-2016 and
for respondent No. 3 in FAO-3511-2016.

Mr. Kushagra Mahajan, Advocate
for respondent No.1 in FAO-3306-2016 and
for the appellant in FAO-3511-2016.

Mr.B.S.Jawal, Advocate
for respondents No.2 and 3 in FAO-3306-2016 and
for respondents No. 1 and 2 in FAO-3511-2016.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, above titled two appeals,
arising out of a common Award of the Motor Accident Claims
Tribunal, Amritsar (for short-'the Tribunal), are being disposed of
involving similar facts therein.

Both the sides 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 calculations 'Mark-A' furnished by learned counsel for the claimant-appellants, the total compensation payable to claimant-appellants, according to ***Pranay Sethi's case (supra)***, comes to ₹8,91,192/- less ₹8,40,000/- already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹51,192/- 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 claimant-appellants are held entitled to compensation of ₹51,192/-more over and above the amount of ₹8,40,000/-/- 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 till realization, for onward disbursement to the claimant-appellants, in proportion so arrived at by it, in accordance with law against proper

receipt and identification.

It is, however, made clear that non-deposit of enhanced amount of compensation within the stipulated period would entail interest @ 15% per annum with quarterly rests from the expiry of one month after passing the date of this order.

Both the instant appeal stand disposed of, accordingly.

A photocopy of this order be placed on the file of other connected case.

September 18, 2019
anju

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No