

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

225

FAO-4307-2016(O&M)

Date of Decision : September 23, 2019

NARENDER KAUR AND ANR.

.....Appellants

VERSUS

RAM KEWAL AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. J.S.Cooner, Advocate for the appellants.
Mr. A.S.Sidhu, Advocate
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

CM-14800-CII-2016

Reply to the application for condonation of delay filed which is taken on record and a copy thereof supplied to learned counsel for the appellants

For the reasons mentioned in the application, the application is allowed and the delay of 2137 days in filing of the appeal is condoned.

However, the appellants are not entitled to the interest for the aforesaid period in case of enhancement.

Main case

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Amritsar (for short the 'Tribunal') vide award dated 15.2.2010.

Learned counsel for the respondent-Insurance Company does not dispute that the income could have been assessed as Rs.40,000/- per annum instead of just Rs.36,000/- per annum taking into account the maximum limit provided under Section 163-A of the Motor Vehicles Act.

Similarly, learned counsel for the respondent-Insurance Company also does not dispute that the multiplier of 16 should have been applied in view of the second schedule instead of 12.

In view of the above, the appellants-claimants are entitled to the enhanced amount as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Income	Rs.40,000/- p.a.
2	Deduction 1/3 rd	40,000 x 1/3 = 13333/- 40,000-13333 = 26667
3	Multiplier	26667 x 16 = Rs.4,26,672/-
4	Conventional Heads	Rs.9500/-
5	Total	Rs.4,36,172/-
6	Compensation awarded by the Tribunal	Rs.3,08,000/-
7	Differences	Rs.1,28,172/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.1,28,172/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till its realization.

It is clarified that the appellants are not entitled to the interest for the delay of 2137 days in filing the appeal.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

September 23, 2019
ajay-1

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No