

FAO No.4754 of 2016 (O&M)
Date of Decision: 21.08.2019

Oriental Insurance Company Ltd.

.....Appellant

Versus

Premo Kaur and others

.....Respondents

(2)

FAO No.6823 of 2016

Premo Kaur and others

.....Appellants

Versus

Ravi and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. M.K. Garg, Advocate
for the appellant in FAO-4754-2016 and
for respondent No.2 in FAO-6823-2016.

Mr. Rajiv Kumar Saini, Advocate
for the appellants in FAO-6823-2016 and
for respondents No.1 to 6 in FAO-4754-2016.

None for respondent No.7 in FAO-4754-2016.

NIRMALJIT KAUR, J. (ORAL)

This order shall dispose of above mentioned two appeals as the same have arisen from the common award dated 29.01.2016 passed by the Motor Accident Claims Tribunal, Karnal (for short, the Tribunal).

FAO No.6823 of 2016 has been filed by the appellants for enhancement of compensation and FAO-4754-2016 has been filed by the insurance company for reduction of compensation.

Learned counsel for the insurance company stated that the amount awarded by the Tribunal is excessive. On the last date of hearing, learned counsel for the insurance company in FAO-4754-2016 has handed over the calculation to learned counsel for respondents No.1 to 6 (in FAO-

FAO No.4754 of 2016 (O&M) and FAO-6823-2016

4754-2016) on the basis of 40% as future enhancement instead of 50% and ₹70,000/- towards consortium instead of ₹1,00,000/- and hence ₹1,81,728/- as excessive, was handed over.

On the other hand, learned counsel for respondents No.1 to 6 stated that as per the latest law laid down on the point, the enhanced skilled labour has to be given as per the DC rates, which comes to ₹8,100/- per month. Even otherwise, in case the income of ₹8100/- is taken, it only comes to approximately ₹270/- per day, which can hardly be said to be on the excessive side.

Hence, although there is merit in the arguments of learned counsel for the insurance company and learned counsel for respondents No.1 to 6 also does not dispute the calculation as provided but at the same time, this Court is of the opinion that in case the DC rates which comes to ₹8100/- per month (i.e. ₹270/- per day) is awarded, the excess amount so given would get balanced out.

In view of the same, this Court deems it proper not to interfere with the award dated 29.01.2016 passed by the Tribunal.

Both the appeals accordingly stand dismissed.

(NIRMALJIT KAUR)
JUDGE

21.08.2019
sandeep

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No