

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-4839-2016 (O&M)

Date of decision: 13.11.2019

Kailash Saini

..... Appellant

Versus

Manesh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. BS Mamli, Advocate for
Mr. RS Mamli, Advocate for the appellant.

Ms. Manju Sillay, Advocate for
Mr. RC Gupta, Advocate for respondent No. 2-Insurance Co.

RAMENDRA JAIN, (ORAL)

Through this appeal, the appellant-claimant has sought enhancement of compensation, modifying impugned Award dated 04.03.2016 of the Motor Accident Claims Tribunal, Hisar (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-claimant, which is taken on record Mark 'A', the total amount of compensation payable to appellant-claimant, according to **Pranay Sethi's case (supra)**, comes to ₹14,98,000/- less ₹11,31,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimant is entitled to ₹3,67,000/- more over and above the compensation awarded by the learned

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-claimant is held entitled to compensation of ₹3,67,000/- more over and above the amount of ₹11,31,000/-, 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-claimant, 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 13, 2019

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No