

FAO No.6474 of 2015

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

FAO No.6474 of 2015
Date of decision: 13.09.2019

Gurmit Kaur and others

.....Appellants

versus

Pawan Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Ekta Thakur, Advocate, for the appellants.
Mr. Rajbir Singh, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Through this appeal claimants have sought enhancement of compensation, modifying award dated 04.02.2015 of the Motor Accident Claims Tribunal, Chandigarh (in short 'the Tribunal').

Briefly, in the day time of 16.05.2014, Sher Singh aged around 37 years, while driving his auto rikshaw bearing registration No.HR-68-A-6575, when reached near Housing Board Light Point, Manimajra, offending truck bearing registration No.HP-24-A-7958 driven by respondent No.1 in a rash and negligent manner and at high speed, hit his auto rikshaw. As a result thereof, Sher Singh received multiple grievous injuries and succumbed to the same on same day.

With these broad allegations, appellant-claimants filed a claim petition under Section 166 of the Motor Vehicles Act before the Tribunal, who after holding trial, awarded compensation of ₹12,55,000/- along with

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interest at the rate of 7.5% per annum from the date of filing claim petition till realization to them.

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. v. Pranay Sethi and others***, 2017(4) R.C.R.(Civil) 1009.

As per calculation furnished by learned counsel for the appellant-claimants, on the basis of prevalent minimum wages prescribed by Chandigarh Administration, which is taken on record as Mark 'A', total compensation payable to the appellant-claimants, according to ***Pranay Sethi*** (*supra*) comes to ₹13,04,800/- less ₹12,55,000/- already awarded by the Tribunal. Meaning thereby, appellant-claimants are entitled to ₹49,800/- over and above the compensation awarded by the Tribunal.

Learned counsel for respondent No.3 – Insurance Company has not been able to controvert or point out any infirmity in the above calculation (Mark 'A'). Hence, same is accepted.

In view of above, appellant-claimants are held entitled to compensation of ₹49,800/- more over and above the amount of ₹12,55,000/- already awarded by the 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 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.

In case aforesaid enhanced amount is not deposited within

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stipulated time, Insurance Company would be liable to pay the same with interest @ 18% per annum from the date of institution of claim petition till realization.

Disposed of.

(Ramendra Jain)
Judge

September 13, 2019
R.S.

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No