

FAO No.6527 of 2015 (O&M)

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

FAO No.6527 of 2015 (O&M)
Date of decision: 13.09.2019

Raju and others

.....Appellants

versus

Yash Sachdeva and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sandeep Siwach, Advocate,
for Mr. M.S. Tewatia, Advocate, for the appellants.
Mr. Punit Jain, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

Through this appeal claimant has sought enhancement of compensation, modifying award dated 01.11.2014 of the Motor Accident Claims Tribunal, Palwal (in 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. v. Pranay Sethi and others***, 2017(4) R.C.R.(Civil) 1009.

As per calculation furnished by learned counsel for the appellant-claimants, which is taken on record as Mark 'A', total amount of compensation payable to the appellant-claimants, according to ***Pranay Sethi*** (*supra*) comes to ₹5,34,522/- less ₹5,16,000/- already awarded by the Tribunal. Meaning thereby, appellant-claimants are entitled to ₹18,522/- more over and above the compensation awarded by the Tribunal.

Learned counsel for respondent No.2 – Insurance Company has

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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 ₹18,522/- over and above the amount of ₹5,16,000/- already awarded by the 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 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 accordance with law against proper receipt and identification.

In case aforesaid enhanced amount is not deposited within 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