

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

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FAO-7334-2015 (O&M)
Date of Decision : 26.09.2019

Kuldeep Kaur and another

.... Appellants

Versus

Gurjinder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Gitish Bhardwaj, Advocate
for the appellants.

Respondents No.1 and 2 already proceeded *ex parte*
vide order dated 20.08.2019.

Mr. Punit Jain, Advocate
for respondent No.3.

Mr. SPS Khaira, Advocate
for respondent No.4.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the claimants have claimed enhancement of compensation, modifying the impugned Award dated 23.02.2015 of the Motor Accident Claims Tribunal, Fatehgarh Sahib (for short-'the Tribunal').

Both the sides 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 calculations 'Mark-A' furnished by learned counsel for the claimant-appellants, the total compensation payable to claimant-appellants, according to ***Pranay Sethi's case (supra)***, comes to ₹11,78,328/- less ₹8,22,000/- already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹3,56,328/- more, over and above the compensation awarded by the learned Tribunal.

Learned counsel for respondent No.3-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 claimant-appellants are held entitled to compensation of ₹3,56,328/-more, over and above the amount of ₹8,22,000/- already awarded by the learned 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 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 claimant-appellants, in proportion so arrived at by it, in accordance with law against proper receipt and identification.

It is, however, made clear that non-deposit of enhanced amount of compensation within the stipulated period would entail interest @ 15% per annum with quarterly rests from the expiry of

one month after passing the date of this order.

The instant appeal stands disposed of, accordingly.

September 26, 2019
anju

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No