

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-9224-2014

Date of decision: 20.08.2019

Smt. Rajesh Devi and others

..... Appellants

Versus

Bijender and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Atul Yadav, Advocate for the appellants.

Mr. Subhash Goyal, Advocate
for respondent No. 3-Insurance Company.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, the claimants have claimed enhancement of compensation against the death of Chiranji Lal, husband of appellant No. 1, father of appellants No. 2 and 3 and son of appellant No. 4, on 04.08.2011 in a motor vehicular accident, by modifying the impugned Award dated 07.02.2013 of the Motor Accident Claims Tribunal, Gurgaon (for short-'the Tribunal'), in their claim petition filed under Section 166 of the Motor Vehicles Act, 1988.

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 calculations (Mark A) furnished by learned counsel for the claimant-appellants which is taken on record, the total amount of compensation payable to claimant-appellants, according to **Pranay Sethi's case (supra)**, comes to ₹41,44,816/- less ₹15,00,640/-, already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹26,44,176/- 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 ₹26,44,176/- over and above the amount of ₹15,00,640/- 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 two months 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.

In case aforesaid enhanced amount is not deposited within stipulated time, Insurance Company would be liable to pay the same with interest @15% from the date of institution of claim petition till

realization.

Disposed of .

August 20, 2019
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(RAMENDRA JAIN)
JUDGE

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