

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-210-2017 (O&M)
DATE OF DECISION: 05.07.2019

NATIONAL INSURANCE CO. LTD.

...APPELLANT..

VERSUS

PARBATI @ PARVARI DEVI AND ORS.

...RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Aseem Aggarwal, Advocate,
for the appellant.

Mr. Saurabh Kapoor, Advocate for
Mr. Ashit Malik, Advocate,
for the respondents-claimants.

RAMENDRA JAIN, J. (ORAL)

Appellant-insurance company has preferred the present appeal for reduction in compensation awarded by the Motor Accident Claims Tribunal, Kaithal, to respondents-claimants No.1 to 3.

Heard.

Both the parties are *ad idem* that this appeal has to be decided in accordance with the judgment of the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi and others*, 2017(4) R.C.R. (Civil) 1009.

Learned counsel for parties have submitted joint calculation

sheet in accordance with ***Pranay Sethi's*** case (supra) in Court today, duly signed by them. The same is taken on record as Mark "A". Be tagged at appropriate place. As per calculations, respondents No.1 to 3-claimants are entitled only to compensation of ₹15,93,200/- instead of ₹19,61,000/-.

In view of the above, compensation awarded by ld. Tribunal is reduced from ₹19,61,000/- to ₹15,93,200/-. Respondents No.1 to 3, however, shall be entitled for interest at the rate of ₹ 7.5 per cent per annum from the date of claim petition till the date of award of the ld. Tribunal on the said reduced amount.

Ld. counsel for the appellant contends that entire compensation amount awarded by ld. Tribunal has already been deposited by the appellant-insurance company.

Therefore, in the fitness of things, in case, the entire deposited amount has been disbursed to respondents No.1 to 3, ld. Tribunal shall recover the excess amount i.e. over and above ₹15,93,200/- along with interest @ ₹7.5 percent from the respondents-claimants and would reimburse the same to the insurance company.

05.07.2019*sonika***(RAMENDRA JAIN)
JUDGE****Whether speaking/reasoned
Whether reportable****Yes/No
Yes/No**