

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. FAO-1368-2018 (O&M)

L&T General Insurance Company

..... Appellant

Versus

Smt. Ishwanti and others

..... Respondents

2. FAO-4445-2018 (O&M)

Smt. Ishwanti and others

..... Appellants

Versus

Kapoor Singh and another

..... Respondents

Date of decision: 20.09.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Ashwani Talwar, Advocate
for the appellant (in FAO-1368-2018) and
for respondent No. 2 (in FAO-4445-2018).

Mr. Munfaid Khan, Advocate
for respondent-claimants No. 1 to 4 (FAO-1368-2018) and
for the appellants (in FAO-4445-2018).

RAMENDRA JAIN, (ORAL)

By this common judgment above-titled two appeals are disposed of, i.e. one (FAO-1368-2018) has been filed by the Insurance Company, for reduction of the amount of compensation awarded to respondent-claimants No. 1 to 4 and the other (FAO-4445-2018) has been

award dated 18.10.2017 of the Motor Accident Claims Tribunal, Rewari (for short 'the Tribunal'). For brevity, the facts are being extracted from FAO-1368-2018.

Both the parties are *ad idem* that the appeals have 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 calculation (Mark-A) furnished by learned counsel for appellant-Insurance Company (in FAO-1368-2018), which is taken on record, the total amount of compensation payable to respondent-claimants, according to **Pranay Sethi's case (supra)**, comes to ₹53,37,340/- whereas, learned Tribunal has awarded ₹58,93,104/- i.e. ₹5,55,764/- in excess. Meaning thereby, the appellant-claimants are entitled to ₹53,37,340/-, instead of ₹58,93,104/- awarded by the learned Tribunal.

Learned counsel for respondent-claimants No. 1 to 4, 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, appellant-claimants are held entitled to compensation of ₹53,37,340/-, instead of ₹58,93,104/- already awarded by the learned Tribunal, vide Award impugned herein. The same is modified, accordingly.

Appellant-Insurance Company, through its counsel is directed to deposit the aforesaid amount of compensation less already paid, if any 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 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 stipulated time, Insurance Company would be liable to pay the same with interest @15% per annum from the date of institution of claim petition till realization.

In view of the above, both the appeals stand disposed of.

September 20, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No