

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-6070-2017 (O&M)
Date of Decision : 31.10.2019

Smt. Usha and others Appellants
Versus

Sunil Kumar and others Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Amit Sheoran, Advocate for the appellants.

Mr. B.S.Walia, Advocate
for respondent No.3-Insurance Company.

RAMENDRA JAIN, J. (Oral)

Mr. B.S.Walia, Advocate has filed memo of appearance on behalf of respondent No.3-Insurance Company. Same is taken on record. Be tagged at appropriate place.

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 25.10.2016 of the Motor Accident Claims Tribunal, Jhajjar (for 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. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.***

As per calculation furnished by learned counsel for the appellant-claimants, which is taken on record Mark 'A', the total amount of compensation payable to appellant-claimants, according to ***Pranay Sethi's case (supra)***, comes to Rs.16,91,800/-, less Rs.11,71,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to Rs.5,20,800/- 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 appellant-claimants are held entitled to compensation of Rs.5,20,800/- more, over and above the amount of Rs.11,71,000/- 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 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 expiry of one month.

Disposed of.

(RAMENDRA JAIN)
JUDGE

31.10.2019
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No