

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-7717-2017 (O&M)

Date of decision: 29.08.2019

Sahida Khatun and others

..... Appellants

Versus

Surinder Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. JS Moudgill, Advocate for the appellants.

Ms. Sheenu Sura, Advocate for respondent No. 3.

RAMENDRA JAIN, J. (ORAL)

Vakalatnama filed on behalf of respondent No. 3-Insurance Company is taken on record. Be tagged at the appropriate place.

Through this appeal, the claimants have claimed enhancement of compensation by modifying the impugned Award dated 01.04.2017 of the Motor Accident Claims Tribunal, Patiala (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 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 ₹14,14,000/- less ₹11,20,000/-, already awarded by the learned Tribunal. Meaning thereby, the claimant-appellants are entitled to ₹2,94,000/- 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 ₹2,94,000/- over and above the amount of ₹11,20,000/- 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.

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 29, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No