

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-7272-2018 (O&M)

Date of decision : 25.11.2019

Sandhya and others

...Appellants

Vs.

Pawan Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN.

Present: Mr. Manoj Pundir, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No. 3-Insurance Company.

...

RAMENDRA JAIN, J. (Oral)

CM-26509-CII-2018

Through this application under Section 5 of the Limitation Act prayer has been made for condonation of 240 days' delay in filing the appeal.

Heard.

For the reasons explained in the application, same is allowed.

Delay of 240 days' in filing the appeal is condoned.

FAO-7272-2018

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 12.10.2017 of the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (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 ₹ 12,78,088/- less ₹ 10,62,920/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹ 2,15,178/- 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 ₹ 2,15,178/- more, over and above the amount of ₹ 10,62,920/- 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, less 240 days for filing this appeal late, 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.

25.11.2019

Harish Kumar

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No