

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

(i)

**FAO-96-2018 (O&M)
Date of Decision : 27.11.2019**

United India Insurance Company Ltd.

..... Appellant

Versus

Nisha and others

..... Respondents

(ii)

FAO-2318-2018 (O&M)

Nisha and others

..... Appellants

Versus

Robin Singh and others

..... Respondents

Date of Decision : 27.11.2019

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. R.K.Bashamboo, Advocate
for the appellant in FAO-96-2018 and
for respondent No.3 in FAO-2318-2018.

Mr. Brijender Kaushik, Advocate
for the appellants in FAO-2318-2018 and
for respondent Nos.1 to 5 in FAO-96-2018.

RAMENDRA JAIN, J. (Oral)

This order shall dispose of FAO-96-2018, filed by Insurance Company for reduction of compensation and FAO-2318-2018, filed by claimants for enhancement of compensation, awarded by the Motor Accident Claims Tribunal, Panchkula, (in short 'the Tribunal') vide impugned award dated 24.10.2017.

Both the parties are *ad idem* that these 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.

Producing calculation, which is taken on record as Mark'A', learned counsel for Insurance Company submits that the Tribunal has awarded compensation in excess to the entitlement of claimants. They were entitled to compensation of only ₹16,97,008/- but, the Tribunal has awarded ₹19,44,600/- in excess to them.

The calculation has been accepted and counter-signed by learned counsel for claimants.

In view of above, impugned award is modified. Compensation from ₹19,44,600/- payable to claimants is reduced to ₹16,97,008 alongwith interest @ 7.5% per annum from the date of filing claim petition till realization. Recovery rights of Insurance Company are kept intact. The claimants shall deposit the excess amount alongwith proportionate interest within two months before the Tribunal for onwards reimbursement of the same to Insurance Company.

In view of above, FAO-96-2018, filed by Insurance Company for reduction of compensation is accepted and FAO-2318-2018, preferred by claimants for enhancement of compensation is dismissed.

27.11.2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No