

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

**CM No. 24892-CII-2017 in/and
FAO No. 7503 of 2017
Date of decision : 29.11.2019**

Smt. Sheela Devi and another

...Appellants

Vs.

Manjeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN.

Present: Mr. Joginder Siwach, Advocate for
Mr. R.D. Sharma, Advocate
for the appellants.

Mr. Satpal Dhamija, Advocate
for respondent No. 3-Insurance Company.

...

RAMENDRA JAIN, J. (Oral)

CM No. 24892-CII-2017

Through this application under Section 5 of the Limitation Act prayer has been made for condonation of 2 days' delay in filing the appeal.

Heard.

For the reasons explained in the application, same is allowed. Delay of 2 days' in filing the appeal is condoned.

FAO No. 7503 of 2017

Through this appeal, the claimants have sought enhancement of compensation, modifying impugned award dated 16.05.2017 of the Motor Accident Claims Tribunal, Pathankot (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 ₹ 10,58,160/- less ₹ 7,37,000/-, already awarded by the learned Tribunal. Meaning thereby, the appellant-claimants are entitled to ₹ 3,21,160/- 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 ₹ 3,21,160/- more, over and above the amount of ₹ 7,37,000/- 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 less 2 days for late filing of this appeal beyond the period of limitation 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.

29.11.2019

Harish Kumar

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No