

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

**FAO-2483-2004 (O&M)
Date of Decision:11.12.2020**

Paramjit Kaur and another

.....Appellants

Versus

Devinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Satinder Khanna, Advocate for the appellants.

Mr. Paul S. Saini, Advocate for respondent No.3.

TEJINDER SINGH DHINDSA J.(Oral)

CM-10222-CII-2020

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Prayer in the instant application is for fixation of an actual date of hearing in the main FAO.

An advance copy of the application was already served upon counsel for the appellants (non-applicants).

Mr. Satinder Khanna, Advocate, has entered appearance on behalf of the appellants.

Counsel for the parties at *ad idem* that the main appeal may be disposed of in terms of an agreed amount of compensation as per guidelines/parameters laid down by the Apex Court in ***National Insurance***

Company Limited Vs. Pranay Sethi and others, 2017 (4) R.C.R. (Civil), 1009

In view of the above prayer, instant application is allowed. The main appeal which otherwise stands admitted is taken up on Board today itself.

Application disposed of.

Main case

This is the claimants' appeal seeking enhancement of compensation.

Briefly it may be noticed that the claimants/appellants had filed a claim petition under Section 166 of the Motor Vehicles Act, seeking compensation to the tune of Rs.15,00,000/- alongwith the interest @ 24 % per annum on account of death of Pritam Singh in a motor vehicle accident that took place on 20.10.1999.

The claim petition was filed on behalf of the widow, three daughters and two sons of deceased Pritam Singh. The Motor Accident Claims Tribunal, Ludhiana, vide order dated 27.11.2003 granted compensation amount of Rs.1,92,000/-. Out of such amount Rs.1,87,000/- was payable to all the claimants in equal share and the balance Rs.5,000/- was payable to the widow towards loss of consortium. Interest @ 9 per cent per annum on the total compensation amount of Rs.1,92,000/- was also granted from the date of filing of the claim petition till realization of the compensation amount. Liability to pay the compensation amount was held to be joint and several. Since the offending vehicle was duly insured, the

liability as such is upon the contesting insurance company.

During the course of hearing today, Mr. Paul Saini, Advocate, representing the contesting respondent No.3-Insurance Company has circulated on the Whatsapp group a revised calculation reflecting an enhancement of compensation of an amount of Rs.1,06,690/- (over and above the amount awarded by the Tribunal). Such calculations have even been forwarded to Mr. Satinder Khanna, learned counsel for the claimants/appellants. A copy of the calculation is even taken on record as **Mark 'A'**.

Counsel for the parties are *ad idem* that the calculations at Mark 'A' are in terms of guidelines/parameters laid down by the Apex Court in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) R.C.R. (Civil), 1009.***

In view of the above present appeal is allowed.

The amount of compensation already granted by the Tribunal is enhanced by an amount of Rs.1,06,690/-.

The component of interest would remain intact as determined by the Tribunal in the award dated 27.11.2003.

The enhanced amount alongwith the interest be deposited by the respondent-Insurance Company with the Motor Accident Claims Tribunal, Ludhiana, within a period of four weeks from today to facilitate disbursal of the same to the claimants.

Appeal disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

December 11, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No