

SHEELA SHARMA & ORS. Appellants
Through : Mr. Saurabh Sharma, Adv.

versus

SHIV PRASAD SAHU & ORS. Respondents
Through : Mr. D.K. Sharma, Adv.
for R – 3.

CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA

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| <ol style="list-style-type: none"> 1. Whether Reporters of Local papers may be allowed to see the Judgment? 2. To be referred to the Reporter or not? 3. Whether the judgment should be reported in the Digest? | <p>Not Necessary</p> |
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JUDGMENT (Oral)

1. The appellants have challenged the award of the learned Tribunal whereby compensation of Rs.65,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 4th April, 2002 resulted in the death of Laxmi Narain Sharma. The deceased was survived by his widow, one son and two daughters who filed the claim petition before the learned Tribunal.

3. The deceased was aged 68 years at the time of the accident. The deceased had retired from Government Service and was getting a pension of Rs.5,000/- per month.

After the death of the deceased, appellant No.1 was receiving the family pension of Rs.3,000/- per month. The learned Tribunal has awarded a sum of Rs.65,000/- towards the pain and sufferings and funeral expenses to the appellants. No amount has been awarded towards the loss of consortium and loss of estate.

4. The learned counsel for the appellants submit that the compensation be awarded for loss of love and affection, loss of consortium and loss of estate.

5. The compensation for pain and sufferings awarded by the learned Tribunal is treated towards the compensation for loss of love and affection and, therefore, no further compensation is awarded for loss of love and affection. However, the appellants are entitled to the compensation for loss of consortium and loss of estate.

6. The Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation, 2009 (6) Scale 129** has held that Rs.5,000/- to Rs.10,000/- should be awarded for loss of consortium and Rs.5,000/- to Rs.10,000/- should be awarded for loss of estate.

7. Following the aforesaid judgment of the Hon'ble Supreme Court, Rs.10,000/- is awarded towards the loss of consortium and Rs.10,000/- is awarded towards the loss of estate.

8. The appeal is allowed. The award amount is enhanced from Rs.65,000/- to Rs.85,000/- along with interest @ 8% per

annum from the date of filing of the petition till realization.

9. Respondent No.3 is directed to deposit the enhanced award amount along with interest with the learned Tribunal within 30 days. The appellants shall have equal share in the enhanced award amount.

10. Upon the enhanced award amount being deposited, the learned Tribunal is directed to release the same to the appellants without any restriction of fixed deposit.

11. Copy of this order be given 'Dasti' to learned counsel for both the parties under the signature of Court Master.

SEPTEMBER 09, 2009
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J.R. MIDHA, J