

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.917 of 1992 (O&M)

Date of Decision:06.01.2015

Smt. Jasbir Kaur and another

....Appellants

Versus

Sikinder Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Ms. Mandeep Kaur, Advocate for
Mr. G.S. Punia, Advocate for the appellants.

None for the respondents.

NAVITA SINGH, J.

1. An amount of Rs.1,08,000/- was awarded to the appellants for the death of Devinder Singh, husband of appellant No.1 and father of appellant No.2. He died in a road accident on 22.8.1989. The appeal is for enhancement of the amount.

2. Learned counsel for the appellants argued that the income assessed by the Tribunal was on the lower side because the deceased was employed as a Conductor in a private bus company and his salary was Rs.2000/- per month. This argument is without merit because the Tribunal discussed the aspect and held that there was nothing on record to prove that the deceased was employed as alleged in the petition. However, taking the deceased to be a labourer, his income was assessed at Rs.700/- per month in 1989, which was quite adequate. After taking out the personal expenses, the income for the purpose of assessing compensation was Rs.6000/- per annum. The award is, therefore, not required to be modified with regard to the income.

3. Counsel for the appellants then argued that nothing was awarded under the conventional heads.

4. So far as the judgments of the Supreme Court on the point of consortium are concerned, many can be found where it was held that an amount of Rs.1,00,000/- should be granted as consortium to the widow, irrespective of other factors. The compensation for funeral and last rites expenses, however, it is felt, should be commensurate to the price index at the relevant time because that amount had already been spent by the appellants when Devinder Singh died. Nothing was awarded for loss of love and affection.

5. The appeal is, therefore, partly allowed holding that the widow shall get Rs.1,00,000/- as loss of consortium, both the appellants shall get an amount of Rs.40,000/- for loss of love and affection and Rs.5000/- towards funeral and last rites expenses. Total compensation shall now be Rs.2,53,000/-. Enhanced amount shall fetch interest at the rate of 6% per annum.

(NAVITA SINGH)
JUDGE

06.01.2015
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Whether to be referred to reporter: No