

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.937 of 2000 (O&M)

Date of Decision:23.02.2015

Jasvir Kaur and others

....Appellants

Versus

Harinder Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Vivek Suri, Advocate for the appellants.

Mr. Parminder Pal Sharma, Advocate for
 Mr. Puneet Sharma, Advocate for respondent No.3-
 New India Assurance Company Ltd.

NAVITA SINGH, J.

1. This appeal is preferred against the award dated 15.10.1999 passed by Motor Accident Claims Tribunal, Patiala (Tribunal for short), whereby compensation to the tune of Rs.5,40,000/- was granted to the claimants. The appellants came up for enhancement.

2. One Avtar Singh had died in a motor vehicle accident which occurred on 30.8.1996. He was 25 years old and according to the appellants, he was an agriculturist and was earning Rs.20,000/- per month. The Tribunal, taking the income of the deceased to be Rs.4500/-, assessed the compensation at Rs.5,40,000/-.

3. Learned counsel for the appellants argued that income taken was on the lower side and also nothing was granted for the loss of consortium to the widow and for loss of love and affection to the minor children and under other conventional heads.

4. Counsel for the Insurance Company gracefully conceded that something be granted for loss of consortium to the widow and for some amount for funeral expenses etc. However, regarding other heads, it was argued that there was no hard and fast rule/law to grant compensation.

5. As regards income, in the absence of proof, the income having been taken as Rs.4500/- per month for an accident, which took place in 1996, was sufficient. Computation of compensation on account of income need not be altered. The claimants are, however, held entitled to Rs.10,000/- for funeral expenses and the widow is entitled to receive an amount of Rs.1,00,000/- for loss of consortium. An amount of Rs.40,000/- is awarded to the children for loss of love and affection. Total enhanced amount would, therefore, be Rs.1,50,000/-. Enhanced amount shall fetch interest at the rate of 6% per annum.

6. The appeal is allowed in the above terms.

(NAVITA SINGH)
JUDGE

23.02.2015
Ishwar

Whether to be referred to reporter: No