

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

FAO No.4411 of 2009 (O&M)

Date of Decision: 28.04.2015

Jasbir Kaur and others

.....Appellants

Versus

Amrik Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Ms. Swati Verma, Advocate for
Mr. Sunil Chadha, Sr. Advocate,
for appellants.

Mr. Mandeep Singh, Advocate,
for respondent No.1.

Mr. Baljinder Singh Sra, Addl. AG, Punjab,
for respondent No.2.

SHEKHER DHAWAN, J (ORAL)

Claimants being dis-satisfied with the award dated 18.03.2009 passed by Motor Accidents Claim Tribunal, Ludhiana (hereinafter referred to as 'The Tribunal') whereby 'The Tribunal' awarded compensation to the tune of ₹3,17,000/- on account of death of Kirtan Singh.

2. In the present case accident had taken place on 16.05.2005. Kirtan Singh (since deceased) was going on bicycle and bus bearing No.PB-12-A-8511, which was being driven by Amrik Singh hit Kirtan Singh and the same resulted into his death and claim petition before the

Court.

3. Respondent contested the claim petition on all account. 'The Tribunal' after appreciating the evidence available on file awarded the compensation and claimant being not satisfied with the awarded compensation preferred appeal before this Court.

4. Ms. Swati Verma, Advocate learned counsel for appellants took the plea that 'The Tribunal' has not taken the income of the deceased correctly and meager amount of ₹3,000/- has been taken as income. More so nothing has been awarded by 'The Tribunal' on account of loss of consortium, loss of love and affection and a meager amount has been awarded on account of funeral expenses.

5. Learned counsel for the respondents took the plea that 'The Tribunal' has already awarded 'Just Compensation'.

6. In the present case 'The Tribunal' had awarded compensation taking income of the deceased to be ₹3,000/- per month as there was no other evidence available on file on the point of income and accident had taken place on 16.05.2005. So there are no grounds to set aside the said findings regarding income of the deceased. However, 'The Tribunal' has not awarded adequate compensation on account of loss of consortium, though one of the claimant is Jasbir Kaur, widow of deceased Kirtan Singh and Inderjit Kaur, Jagjit Kaur are daughters and Jaspreet Singh is son and Gurpreet Kaur is minor daughter of deceased Kirtan Singh. Hence the awarded amount of compensation enhanced on following accounts.

Loss of consortium	₹1,00,000/-
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Funeral expenses	₹25,000/-
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Loss of love and affection for claimants No.2 to 5	₹2,00,000/-
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Total ₹3,25,000/-

7. The enhanced amount of compensation shall be payable within a period of two months from today failing which appellants shall be entitled to recover the interest @ 7.5% per annum. Remaining conditions regarding payment of interest and disbursal of amount shall remain unaltered.

8. In view of the above, the appeal is partly accepted.

**(SHEKHER DHAWAN)
JUDGE**

April 28, 2015
msd