

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

FAO No.2006 of 2011 (O&M)

Date of Decision: April 01, 2015

Sundri and Ors.

...Appellants

Versus

Ram Pal & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.R.S.Mamli, Advocate,
for the appellants.

Mr.R.K.S.Brar, Addl.AG, Haryana,
for respondent Nos.1 to 3.

Mr.Rajbir Singh, Advocate,
for respondent No.4-Insurance Company.

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?

Naresh Kumar Sanghi, J.(Oral)

The present appeal has been filed by Sundri (widow), Rajvinder (son), Rajbir (minor son), Suman (minor daughter) and Sunny Deol (minor son) of Sant Lal (deceased) challenging the award passed by learned Motor Accidents Claims Tribunal, Ambala (for brevity "learned Tribunal") whereby Rs.5,61,000/- (Rupees Five lacs and Sixty One thousand only) along with interest at the rate of 7.5% per annum from the date of filing of the petition till realization was passed.

Learned counsel for the appellant/claimants has

confined his submission to the extent that under the head of consortium, learned Tribunal has awarded Rs.5,000/-(Rupees five thousand) against the settled norms of Rs.1,00,000/-(Rupees one lac); for love and affection nothing has been awarded to the children of the deceased and that for funeral expenses, a meagre sum of Rs.10,000/- (Rupees ten thousand) has been awarded against the settled norms of Rs.25,000/-(Rupees Twenty five thousand). He further submits that learned Tribunal should have awarded the interest at the rate of 9% instead of 7.5%.

Though learned counsel for the respondents submitted that learned Tribunal has already awarded adequate compensation by applying the multiplier of 15, therefore, there is no much scope for enhancement of the compensation to the appellant/claimants. However, they fairly conceded that as per judgment rendered in **Rajesh and Others vs. Rajbir Singh & Ors, 2013(3) RCR (Civil) 170**, Hon'ble the Supreme Court had awarded Rs.1,00,000/- (Rupees One lac only) to the widow under the head of consortium; Rs.1,00,000/- (Rupees One lac only) was awarded to the child for love and affection and Rs.25,000/-(Rupees twenty five thousand only) for funeral expenses/last rites of the deceased.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Since the driver, the owner and the insurance company

have not challenged the factum of accident and the finding of negligence on the part of the driver of the offending vehicle, therefore, this Court does not deem it necessary to reiterate and discuss the factual aspects of the case on the issue of involvement of the vehicle and the negligence on the part of the driver of the offending vehicle. The appeal can be disposed of by discussing the issues with regard to consortium to be granted to the widow; the amount to be awarded to the children of the deceased for love and affection; funeral expenses and the percentage of the interest.

As per **Rajesh's** case (supra), Hon'ble the Supreme Court had awarded Rs.1,00,000/-(Rupees One lac only) to the widow under the head of consortium; Rs.1,00,000/-(Rupees One lac only) to the child of the deceased for love and affection and Rs.25,000/-(Rupees twenty five thousand only) as funeral expenses. In the case in hand, learned Tribunal has awarded only Rs.5,000/-(Rupees five thousand only) for consortium; Rs.10,000/-(Rupees Ten thousand only) for funeral expenses and nothing has been awarded for love and affection to the children of the deceased. This Court is of the considered view that the multiplier of 15 applied by learned Tribunal is most appropriate multiplier. This Court is of the further opinion that Smt.Sundri-widow of Sant Lal (since deceased) can be awarded Rs.1,00,000/- for consortium; other four appellant/claimants i.e children of Sant Lal can be awarded Rs.50,000/-(Rupees Fifty thousand) each i.e $\text{Rs.50,000} \times 4 = \text{Rs.2,00,000/-}$ (Rupees Two lac) for love and affection and Rs.25,000/-(Rupees

Twenty five thousand only) for funeral expenses. To be more clear the appellant/claimants would be entitled to the following amount:-

Sr.No.	Title	Amount
1.	Dependency	Rs.5,61,000/-including Rs.6,000/- as medical expenses spent on the treatment of Sant Lal (since deceased),Rs.5,000/-consortium and Rs.10,000/- as funeral expenses
2.	Consortium to Smt.Sundri	Rs.95,000/-
3.	Love and affection to the claimant/appellants except Smt.Sundri	Rs.2,00,000/-
4.	Funeral expenses	Rs.15,000/-
	Total	Rs.8,71,00/- (Rupees Eight lacs Seventy one thousand only)

The interest awarded at the rate of 7.5% appears to be on lower side, therefore, the appellants would be entitled to the interest at the rate of 9% per annum on the total award from the date of filing of the petition till realization. Each appellant shall be disbursed awarded amount as per the directions enshrined in the award passed by learned Tribunal.

With the above modifications in the award, the present appeal is partly allowed.

April 01, 2015
seema

(Naresh Kumar Sanghi)
Judge