

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3402 of 2011 (O&M)
Date of Decision:20.02.2015

Santosh

....Appellant

Versus

Hans Raj and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Amit Singla, Advocate for the appellant.

Mr. Sunil Saharan, Advocate for
Mr. Rose Gupta, Advocate for respondents No.1 and 2.

Mr. Banni Thomas, Advocate for respondent No.3-
Oriental Insurance Company Ltd.

NAVITA SINGH, J.

1. This appeal is preferred against the award dated 4.5.2010 passed by Motor Accident Claims Tribunal, Hisar (Tribunal for short), whereby compensation to the tune of Rs.57,000/- was awarded to the appellant on account of death of Ram Kishan in a motor vehicle accident which took place on 30.1.2009. She sought enhancement of the compensation amount.

2. Counsel for the appellant argued that Ram Kishan had died in the accident and Santosh, appellant, was his widow, who was not granted anything towards loss of consortium. No income was assessed for applying the multiplier of 5 in view of the age of the deceased which was 75/76 years at the relevant time. It was contended that some income for survival should have been taken.

3. So far as the income is concerned, without proof nothing could be awarded because the deceased was quite aged and was surely not a labourer nor he was shown to be self employed in any manner. If he was dependant on

someone else for his day to day expenses, he could not be held to be earning anything. In any case, the Tribunal awarded a consolidated amount of Rs.50,000/- to the appellant besides the amount spent on treatment of the deceased.

4. So far as the loss of consortium is concerned, which was the main point pressed here at the time of arguments, it is felt that the widow was entitled to be compensated on account of that. It is, therefore, ordered that an amount of Rs.1,00,000/- shall be paid to the appellant under that head. The compensation stands enhanced by Rs.1,00,000/- with interest at the rate of 6% per annum on the enhanced amount.

5. The appeal is partly allowed.

(NAVITA SINGH)
JUDGE

20.02.2015
Ishwar

Whether to be referred to reporter: No