

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

**FAO No.1999 of 2014 (O&M)
Date of Decision: October 07, 2015.**

Kiranpal Kaur and others

.....APPELLANT(s).

VERSUS

Rajinder alias Chandgi and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harish Goyal, Advocate
for the appellant (s).

Mr. Subhash Goyal, Advocate with
Mr. Nitin Mittal, Advocate
for respondent No.3.

SURINDER GUPTA, J.

Not satisfied with the award of ₹6,95,200/- for the death of Dharam Singh, husband of appellant-claimant No.1 Kiranpal Kaur and father of appellants-claimants No.2 and 3, they have come up with instant appeal claiming enhancement of compensation.

Since the appellants have claimed enhancement of compensation, detailed facts of the case are not being discussed.

Learned counsel for the appellants has argued that the Tribunal while calculating the amount of compensation has not awarded any compensation for the loss of care and guidance to the minor children and has allowed ₹20,000/- towards funeral expenses and ₹20,000/- towards loss of consortium which require to be enhanced to ₹25,000/- and ₹1,00,000/- respectively.

Learned counsel for the insurance company has argued that the grant of compensation under the conventional heads falls within the discretionary power of the Tribunal. The Tribunal has already allowed compensation towards funeral expenses and loss of consortium, which call for no further enhancement.

In case of *Rajesh and others Vs. Rajbir and others (2013)9 SCC 54*, the compensation for loss of care and guidance to minor children of the deceased was quantified as ₹1,00,000/- and funeral expenses ₹25,000/-. Claimant No.1, who is widow of deceased has been allowed compensation of ₹20,000/- towards loss of consortium which is also on lower side and as per the observations in case of *Rajesh and others Vs. Rajbir and others (supra)*, is required to be enhanced to ₹1,00,000/-.

No other point has been argued.

In view of my above discussion, in addition to the compensation already allowed, the claimants are allowed compensation of ₹1,00,000/- towards loss of love, care and guidance for the minor children, ₹1,00,000/- towards loss of consortium and ₹25,000/- towards funeral expenses.

This appeal is accepted and the amount of compensation allowed by the Tribunal is enhanced from ₹6,95,200/- to ₹8,80,200/-. The claimants are also entitled to interest @ 7.5% per annum on the enhanced amount of compensation. They shall also be entitled to the costs of appeal. Counsel fee is assessed as ₹10,000/-.

October 07, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE