

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

FAO No. 3566 of 2013 (O&M)

Date of decision: 18.09.2015

Rajni

...Appellant

Versus

Swaran Lata and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. D.K. Prajapati, Advocate for
Mr. R.S. Madan, Advocate for the appellant.

Mr. Amit K. Jain, Advocate for
respondents No. 1 to 3.

Mr. Parveen Sharma, Advocate
for respondent No. 5.

Mr. Ashwani Talwar, Advocate
for respondent No. 6.

Ritu Bahri, J.

CM No. 14505-CII-of 2013

For the reasons mentioned in the application,
the same is allowed and the delay of 466 days in filing the appeal
is condoned.

CM stands allowed accordingly.

FAO No. 3566 of 2013 (O&M)

Heard learned counsel for the parties.

With regard to the same accident, earlier FAO
No. 1153 of 2012 (O&M) was filed by Claimant-appellants
namely Swaran Lata, Ashok Kumar and Radhika, who were the
parents and sister of deceased-Amit Kumar Singla, wherein

present appellant namely Rajni, widow of deceased, was arrayed as performa-respondent No. 4.

The said appeal was allowed by this Court vide order dated 26.07.2013 and the compensation awarded by the Tribunal was enhanced from ₹ 24,68,000/- to ₹41,00,000/-. The enhanced amount of compensation was ordered to be shared by claimant No. 1-Swaran Lata (mother of deceased) and respondent No. 4-Rajni widow of deceased (appellant herein) equally. In the present appeal, appellant-Rajni is further seeking enhancement of compensation by alleging that this Court vide order dated 26.07.2013 has not awarded adequate compensation under the conventional heads i.e., loss of consortium, loss of estate and funeral expenses etc. The Tribunal vide impugned Award dated 05.11.2011 has awarded a sum of ₹10,000/- to the present appellant on account of loss of consortium, ₹ 5,000/- towards loss of estate and ₹ 5,000/- as funeral expenses. While deciding FAO No. 1153 of 2012, this Court has awarded a sum of ₹ 20,000/- to the claimants under the conventional heads. Since the present appellant is widow of deceased, therefore, the compensation is required to be re-assessed, in view of the judgment of **Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520, Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77, Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54 and Munna Lal Jain**

and another vs. Vipin Kumar Sharma and others, 2015 (3)

Recent Apex Judgments 459. Accordingly, the compensation is re-assessed as under:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
1	Loss of Consortium	₹ 1,00,000/-
2	Loss of estate	₹1,00,000/-
3	Funeral Expenses	₹ 25,000/-
4	Total	₹ 2,25,000/-
5	Enhanced amount of compensation(under conventional heads)	(₹ 2,25,000/-)- (₹20,000/-) = ₹2,05,000/-

The enhanced amount of compensation of ₹ 2,05,000/- shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of ***Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others***, 2015(1) SCC 539. Remaining conditions of disbursal of amount shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

18.09.2015
Poonam (II)

(RITU BAHRI)
JUDGE