

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

**CM No.16599-CII of 2013
in/ and FAO No.4104 of 2013 (O&M)
Date of decision: 28.04.2015**

Gurdial Singh and another

..... Appellants

versus

Gurpreet Singh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.R.S.Budhwar, Advocate for the appellants
Ms.Monika Jhangra, Advocate for
Mr.Rajneesh Malhotra, Advocate for respondent No.3

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

CM No.16599-CII of 2013

This application has been filed for condonation of 31 days delay in filing the appeal. The application is accompanied by an affidavit. For the reasons mentioned therein, it is allowed and 31 days delay in filing the appeal stands condoned.

FAO No.4104 of 2013

Appellants/claimants have preferred this appeal against the award dated 19.3.2013 passed by the Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal) for enhancement of compensation.

Brief facts are that on 1.6.2012, Shanti Devi, aged about 60 years, who was going on foot, was hit by motorcycle bearing registration No.HR-07N-5944 , being driven by the respondent

Gurpreet Singh. Shanti Devi succumbed to the injuries on 3.6.2012. A criminal case bearing FIR No.153 dated 3.6.2012 under Sections 279, 337, 304-A IPC was registered against the respondent -driver.

The Tribunal assessed the notional income of the deceased to be Rs.4000/- per month. It applied the multiplier of 9 and calculated the compensation at Rs.4,32,000/-. Rs.10,000/- towards funeral expenses and Rs.5000/- towards transportation charges were allowed. Total compensation at Rs.4,47,000/- was allowed with interest @ 6% per annum from the date of claim petition till realization in favour of only claimant No.1 and 4 (who happen to be husband and unmarried daughter) as the other claimants were held to be not dependents.

I have heard learned counsel for the parties and have also carefully gone through the file.

Learned counsel for the appellants has argued that so far as question of computation of compensation and multiplier is concerned, he does not contest the same. According to him, inadequate compensation has been awarded on account of funeral expenses and no compensation has been awarded for loss of consortium and love and affection to the daughter. Further interest @ 6% per annum is also inadequate.

After hearing both the parties, I am of the view that in view of the authorities in the case of Sarla Verma and others v. Delhi Transport Corporation and others, 2009 ACJ 1298 (SC), in place of Rs.10,000/-, Rs.25,000/- for funeral expenses are to be allowed. Rs.

One lac to claimant No.1 husband for loss of consortium and another

Rs.one lac to claimant No.4 for loss of love and affection of the mother are allowed. In place of interest @ 6% per annum, interest @ 7.5% per annum is allowed. In this way, the compensation is enhanced by Rs.2,15,000/-. The enhanced compensation shall also be paid with interest @ 7.5% per annum from the date of filing of claim petition till its realization. Since both the claimant Nos.1 and 4 (before Tribunal) are major, therefore, the amount shall be equally shared by them and be paid by depositing the same in their bank accounts, to be furnished before the Tribunal.

Appeal is accordingly allowed.

28.04.2015

gk

**(Kuldip Singh)
Judge**