

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

FAO No.4118 of 2014 (O&M)

Date of Decision:24.09.2015

Meena Devi and others

....Appellants

Versus

Jasbir and others

....Respondents

AND

(2)

FAO No.4122 of 2014 (O&M)

Anita Devi and others

....Appellants

Versus

Jasbir and others

....Respondents

CORAM:**HON'BLE MS. JUSTICE NAVITA SINGH**

Present:

Mr. Saurabh Dalal, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate for respondent No.3-
TATA AIG General Insurance Company Ltd.**NAVITA SINGH, J.**

1. The appellants in FAO No.4118 of 2014 have claimed enhancement in the compensation awarded to them on account of death of Puran Singh, who was husband of appellant No.1 and father of the other appellants. In the other appeal i.e. FAO No.4122 of 2014, the appellants have claimed enhancement in the compensation awarded to them on account of death of Ranbir Singh, husband of appellant No.1 and father of the other appellants. Both the claims, put forth by the legal representatives of deceased Puran Singh and Ranbir Singh, were decided by Motor Accident Claims Tribunal, Rohtak (Tribunal for short), vide a single award dated 1.3.2014. For the death of Puran Singh, the amount awarded was Rs.8,27,000/- while for the death of Ranbir Singh, the amount awarded was to the tune of Rs.7,49,000/-.

2. Counsel for the appellants argued on behalf of Meena Devi etc. that though no proof could be brought on record that deceased Puran Singh was running a small scale industry and was earning Rs.25,000/- per month, the

Tribunal should have taken into account the fact that the deceased was an ex-serviceman.

3. Counsel for the Insurance Company, however, argued per contra that nothing was shown by the appellants in evidence that the deceased had retired from Border Security Force as alleged in the petition. Had it been so, documentary proof would have been easily available with the appellants Meena Devi etc. It was contended that the Tribunal rightly held that the income of the deceased in both cases was Rs.6000/- per month. There is no dispute about the deduction and multiplier.

4. In the next argument of counsel for the appellants in both cases that nothing was given to the minor children for loss of love and affection, he stated that though it was not written in the petition that appellants Priyanka and Rahul were minors, they were below 18 years in age at the relevant time. Ranbir Singh also left behind the minor daughter. He said that Rs.1,00,000/- should be awarded in each case to the children for loss of love and affection. This contention is not seriously disputed by the counsel on the other side. Also the request for grant of compensation for loss of love and affection is reasonable and justified.

5. An amount of Rs.1,00,000/- is, therefore, awarded for loss of love and affection to the minor children in FAO No.4118 of 2014 and the same amount is also awarded for the minor child in FAO No.4122 of 2014. Enhancement on any other count is not called for.

6. The appeals are partly allowed in the above terms.

(NAVITA SINGH)
JUDGE

24.09.2015

Ishwar

Whether to be referred to reporter: Yes