

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4947 of 2013 (O&M)
Date of Decision:15.10.2015

Rajender Singh and others

....Appellants

Versus

Suresh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Vinod Bhardwaj, Advocate for the appellants.

Mr. S.S. Shekhawat, Advocate for respondents No.1 & 2.

Mr. Ravinder Arora, Advocate and
Mr. R.S. Sharma, Advocate for respondent No.3-
Oriental Insurance Company Ltd.

NAVITA SINGH, J.

1. The Motor Accidents Claims Tribunal, Rohtak (Tribunal for short), vide award dated 13.5.2013 awarded compensation to the tune of Rs.6,00,000/- to the appellants on account of death of Sharmistha, wife of appellant No.1 and mother of appellants No.2 and 3 in a motor vehicle accident, which took place on 4.10.2011. Feeling discontented with the compensation awarded, the claimants came up in appeal for enhancement.

2. Counsel for the appellants argued that for loss of consortium only an amount of Rs.10,000/- was given and an equal amount for funeral and last rites. Nothing was awarded to the son for loss of love and affection. He did not press this point for the daughter as she is stated to be married. Regarding income, it was submitted that the deceased was an Anganwari Worker and, therefore, she was in permanent employment but the Tribunal erred in not awarding anything towards future prospects. The record, however, shows that the deceased was an Anganwari Worker but she was being paid an honourarium as the certificate

Ex.PW3/C showed that she was getting monthly honourary pay. The word 'honourary' is, therefore, important here and it cannot be said that she was in permanent employment. The future prospects were, therefore, not required to be added. The Tribunal rightly ignored the point.

3. It is, therefore, ordered that appellant No.1 shall be entitled to loss of consortium to the tune of Rs.1,00,000/- i.e. enhancement to the extent of Rs.90,000/-. An amount of Rs.15,000/- is enhanced for expenses on funeral and last rites. An amount of Rs.50,000/- is awarded to the son for loss of love and affection. Thus, total compensation is enhanced by Rs.1,55,000/-. Enhanced amount shall fetch interest @ 6% per annum.

4. The appeal is disposed of accordingly.

(NAVITA SINGH)
JUDGE

15.10.2015
Ishwar

Whether to be referred to reporter: No