

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.5363 of 2013  
Date of Decision: 13.03.2015

Amita @ Anita and others

..... APPELLANTS

*VERSUS*

Meer Singh and others

..... RESPONDENTS

PRESENT: - Mr. Rohit Goswami, Advocate  
for the appellants.

Mr.Ravinder Arora, Advocate for  
respondent No.3.

**CORAM:** **HON'BLE MR. JUSTICE SHEKHER DHAWAN**

- 1) Whether Reporters of the local papers 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?

**SHEKHER DHAWAN, J.**

The claimants have challenged the award dated 10.01.2013 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'The Tribunal')

whereby 'The Tribunal' had awarded a sum of ₹7,40,000/- as compensation along with interest @ 9% per annum on account of death of Satbir in a motor vehicle accident.

Brief facts of the case that Satbir (since deceased) was going to his village on his cycle. Vehicle Tata 909 bearing registration No.HR-39-A-6521 struck against his cycle from opposite side. Resultantly, Satbir sustained grievous injuries on various parts of the body. He was taken to Arpna Hospital, Madhuban, Karnal in an injured condition where he was declared dead. The post-mortem examination of the dead body was got done. The matter was reported to the police on the same day. The claimants before the Tribunal were widow, minor daughter and parents of deceased Satbir. Respondents contested the claim petition. 'The Tribunal' awarded compensation of ₹7,40,000/-.

Mr. Rohit Goswami, learned counsel for the appellants took the plea that the Tribunal has not considered the material aspect of the case and compensation amount has not been awarded as per law. Nothing has been awarded on account of loss of consortium. Similarly, the claimants have not been compensated at all on account of loss of love and affection. A meager amount has been awarded on account of funeral expenses and transportation charges. Even the income of the deceased

has not been taken correctly. So, the awarded amount of compensation be enhanced accordingly.

Mr. Ravinder Arora, Advocate for respondent No.3 took the plea that 'The Tribunal' has already awarded sufficient amount while taking into consideration the income of the deceased although the same has not been proved as per law. The correct multiplier has been applied. The appeal is without any merit and the same be dismissed.

Having considered the rival contentions raised by learned counsel for both the parties, this Court is of the considered view that the income of the deceased has correctly been taken by the Tribunal. However, the Tribunal has completely ignored the aspect that the claimants had also suffered on account of (i) loss of consortium and (ii) loss of love and affection and adequate amount has not been awarded on account of amount having been spent on funeral expenses and transportation charges.

Similar matter had been taken before Hon'ble the Supreme Court in case of **Kalpanaraj and others Vs. Tamil Nadu State Transport Corporation**, 2014 ACJ 1388. Hon'ble Supreme Court observed that sum of ₹1,00,000/- should be awarded on account of loss of consortium and another sum of ₹1,00,000/- on account of loss of love and affection. A sum of ₹25,000/- should be

paid on account of funeral expenses and transportation.

Accordingly, the present appeal is accepted and amount of compensation in this case is worked out as under:-

|    |                                                                    |             |
|----|--------------------------------------------------------------------|-------------|
| 1. | Compensation assessed on account of loss of income and dependency  | ₹7,20,000/- |
| 2. | Compensation assessed on account of loss of consortium             | ₹1,00,000/- |
| 3. | Compensation assessed on account of love and affection             | ₹1,00,000/- |
| 4. | Expenses incurred on account of funeral and transportation charges | ₹25,000/-   |
|    | Total                                                              | ₹9,45,000/- |

However, the terms and conditions regarding payment of interest and disbursal of the amount shall remain unaltered. Appeal is accordingly partly accepted.

**(SHEKHER DHAWAN)**  
**JUDGE**

**March 13, 2015**  
**jt**