

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.5740 of 2013 (O&M)
Date of Decision:18.02.2015

Kavita Devi and others

....Appellants

Versus

Shyam Sunder and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. R.S. Mamli, Advocate for the appellants.

Mr. M.B. Jain, Advocate for respondent No.3-
Bharti AXA General Insurance Company Ltd.

NAVITA SINGH, J.

1. The appeal stands filed against the award dated 16.7.2013 passed by Motor Accident Claims Tribunal, Yamunanagar at Jagadhri (Tribunal for short), vide which the appellants were granted compensation to the tune of Rs.11,51,469/- on account of death of Manoj Rai in a motor vehicle accident which took place on 30.4.2012. The appellants sought enhancement on the ground that assessment of income was not proper and so was the deduction towards personal living expenses of the deceased. Consortium to the widow was inadequate and other consequential heads were not provided for.

2. Counsel for the appellants argued that only an amount of Rs.10,000/- was awarded towards consortium to the widow whereas in various cases the Supreme Court has been awarding Rs.1,00,000/- and the same is being followed by other courts. Nothing was provided towards love and affection to the minor children. On the other point taken in the appeal regarding assessment of income and deduction therefrom, nothing was urged.

3. Counsel for the Insurance Company argued that adequate compensation has been given to the appellants by the Tribunal and since the award was not wanting in any respect, the appeal should be dismissed.

4. So far as the consortium is concerned, there are various judgments of the Supreme Court where an amount of Rs.1,00,000/- has been adopted as a standard to compensate the widow for loss of consortium. Regarding loss of love and affection, the children were entitled to get something. Though no amount of money can repair the loss, yet in view of the legislation, some compensation must be provided.

5. It is, therefore, ordered that an amount of Rs.1,00,000/- shall be paid to the widow towards loss of consortium i.e. the enhancement under that head would be Rs.90,000/-. Regarding loss of love and affection, an amount of Rs.50,000/- is awarded to the children. The total enhancement would, therefore, be Rs.1,40,000/-. Enhanced amount shall get interest at the rate of 6 per cent per annum.

6. The appeal is partly allowed accordingly.

**(NAVITA SINGH)
JUDGE**

18.02.2015
Ishwar

Whether to be referred to reporter: Yes