

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

**FAO No.3628 of 2015 (O&M)
Date of Decision: May 19, 2015**

Reliance General Insurance Company Limited .. Appellant

vs.

Sushila and others .. Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Raj Kumar Bashamboo, Advocate for the appellant.

- 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.

CM Nos.10758 and 10759-CII of 2015

There is delay of 7 days in re-filing and delay of 34 days in filing the present appeal.

For the reasons mentioned in the applications, delay of 7 days in re-filing and delay of 34 days in filing the present appeal is condoned, subject to all just exceptions.

Applications stand disposed of.

FAO-3628-2015

The present appeal has been filed by the Insurance Company against the Award dated 17.11.2014 passed by the Motor Accident Claims Tribunal, Rohtak (in short 'the Tribunal').

In the present case, deceased Joginder Singh was serving in the Army and drawing salary of ₹31,417/- (rupees thirty

one thousand four hundred seventeen only) per month. In addition to this, he was entitled to free boarding, lodging, food and clothing etc. The deceased was hit by offending vehicle being driven by Moh. Jamir Ahmad (respondent No.6 herein) on the intervening night of 5/6.11.2011. As a result of which, Joginder Singh died. The Tribunal made deduction of 1/4th as personal expenses and applied the multiplier of 15. ₹50,000/- on account of loss of consortium to the wife, ₹1,00,000/- on account of loss of love and affection to the children and mother and ₹20,000 on account of funeral expenses were also allowed. In this way, a total sum of ₹34,10,000/- as compensation to the claimants was awarded by the Tribunal.

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

Learned counsel for the appellant has argued that the compensation awarded by the Tribunal is on higher side.

However, a perusal of the Award shows that nothing has been added in the income of the deceased on account of future prospects and the compensation granted on account of loss of consortium to the wife is also on the lower side.

After going through the Award, I do not find that excess compensation has been awarded.

Accordingly, the present appeal is dismissed.

May 19, 2015
sarita

(KULDIP SINGH)
JUDGE