

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No.685 of 2014
Date of Decision: 08.04.2015

Maya Devi and others

..... APPELLANTS

VERSUS

Jaspreet Singh and others

..... RESPONDENTS

PRESENT: - Mr. Neeraj Khanna, Advocate
for the appellants.

Mr. M.B. Singh, Advocate
for respondent No.2-Insurance Company.

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 filed the present appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Ambala (for short 'The Tribunal'). Taking the case from undisputed facts that the motor vehicle accident had taken place on 09.09.2012.

The said accident resulted into death of Hans Raj. The

matter was reported to the police. 'The Tribunal' awarded compensation of ₹7,63,000/-.

The claimants being dis-satisfied with the awarded amount have filed the present appeal.

The respondents contested the claim petition on all accounts.

At the time of arguments, Mr.Neeraj Khanna, learned counsel for the appellants took the plea that deceased Hans Raj was of the age of 43 years. 'The Tribunal' awarded the compensation taking his income correctly and multiplier was also applied correctly. However, 'The Tribunal' had not awarded any amount of compensation on account of loss of love and affection and consortium.

While arguing on this point, Mr. M.B. Jain, learned counsel for the respondent-Insurance Company took the plea that 'just compensation' has already been awarded and there are no grounds for further enhancement and appeal be dismissed.

Having considered the rival contentions, this Court is of the considered view that 'The Tribunal' has already awarded compensation keeping in view the income of the deceased and correct multiplier has been applied while calculating the amount of compensation. However, 'The Tribunal' has not awarded adequate amount on account of

loss of love and affection and appellants No.2 and 3 are certainly entitled to enhanced compensation on account of loss of care and guidance as they are minor sons of deceased Hans Raj. They are entitled to enhanced compensation of ₹80,000/- (₹40,000/- each for claimants No.2 and 3). The enhanced compensation shall be paid within one month failing which the claimants shall be entitled to receive interest @ 7.5% per annum. However, the remaining conditions regarding payment and disbursal of amount shall remain unaltered.

The appeal is accordingly partly allowed.

(SHEKHER DHAWAN)
JUDGE

April 08, 2015
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