

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

FAO-5473-2002 (O&M)

Date of decision: 29.04.2016

Deepti Segan and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the appellants.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

Mr. D.R. Bansal, Advocate
for respondent No.4.

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JITENDRA CHAUHAN, J.

The present appeal has been filed by the claimant-appellants, seeking enhancement of the amount of compensation awarded by learned Motor Accidents Claims Tribunal, Ambala, ('the Tribunal', for brevity) vide award dated 23.08.2002.

2. It has been averred in the petition that deceased-Vimla Sharma aged about 38 years died in the instant accident. The learned Tribunal did not award any amount on account of loss of love and affection. The husband of the deceased had

already expired. The learned Tribunal has erred while holding the contributory negligence on the part of deceased. The multiplier has also been wrongly applied. The compensation under the conventional heads is also inadequate.

3. On the other hand, the learned counsel for the Insurance Company has vehemently opposed the present appeal.

4. I have heard the learned counsel for the respondents and perused the record.

5. In the instant case, deceased, Vimla Sharma, was a household lady. Prior to the death of her husband, she had been running a cloth shop. The deceased had died leaving behind three minor children at the time of accident. The learned Tribunal has awarded Rs.1,72,800/- towards 'loss of dependency' and Rs.5000/- towards the head of 'funeral expenses' to the appellants. However, no amount has been awarded towards the head 'loss of love and affection'. Therefore, an amount of Rs.1,00,000/-, stands awarded to the children of deceased in equal shares in respect of loss of love and affection, keeping in view the law laid down in ***Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776***. The amount of Rs.5,000/- already awarded by the learned Tribunal for 'funeral expenses', is enhanced to Rs.10,000/-.

6. In this way, the appellants are held entitled to the enhanced compensation of Rs.1,05,000/-, over and above the amount of compensation already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, it shall also carry interest @ 7.5% per annum, from the date of filing the present appeal, till its realization. The liability shall remain the same as determined by the learned Tribunal.

7. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

29.04.2016

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**(JITENDRA CHAUHAN)
JUDGE**