

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

FAO-1339-2000 (O&M)
Date of Decision: 24.05.2016

Indu Bala and others

...Appellants

Versus

Salinder Singh @ Dharam Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Naren Pratap Singh, Advocate
for the appellants.

Mr. R.K. Bashamboo, Advocate
for respondent-Insurance Company.

JITENDRA CHAUHAN, J.

CM-7171-CII-2000

Heard.

Keeping in view the averments made in the application which is supported by an affidavit, the same is allowed. The delay of 36 days in filing the present appeal is hereby condoned.

FAO-1339-2000

The present appeal has been preferred by the claimant-appellants, seeking enhancement/modification of the

amount of compensation awarded vide impugned award dated 17.11.1999, passed by learned Motor Accidents Claims Tribunal, Ambala (for short, 'the Tribunal').

2. It is contended that the claimants are widow, minor children and parents of the deceased. It is submitted that however, nothing has been awarded towards consortium and loss of love and affection. The deceased was of 30 years at the time of death. The multiplier of 16 has been wrongly applied by the learned Tribunal and ought to have been 17 keeping in view the age of claimants/appellants in view of the law laid down by Hon'ble the Supreme Court in *Smt. Sarla Verma Vs. DTC (2009) 6 SCC 121*. It is further contended that the amount awarded under other heads are also on lower side.

3. On the other hand, the learned counsel for the respondents opposes the prayer for enhancement of the compensation amount and state that just and reasonable compensation has already been awarded by the Tribunal.

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

5. It is evident from the perusal of post mortem report, Ex.P3 that deceased was 30 years of age at the time of the accident. The learned Tribunal has applied multiplier of 16.

Therefore, keeping in view the law laid down *Smt. Sarla Verma's case (supra)*, the multiplier of 16 is enhanced to 17. In this way, the compensation amount on account of 'loss of dependency' would come to Rs.3500/- X 12 X 4/5 X 17 = Rs.6,05,200/- against the amount of Rs.5,47,200/-, assessed by the learned Tribunal under this head.

6. It is further observed that nothing has been awarded towards loss of consortium to the claimant-wife. Therefore, an amount of Rs.1,00,000/-, is granted to the claimant-wife under this head. Furthermore, following the law laid down in *Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776*, an amount of Rs.1,00,000/- is awarded to the children of the deceased for loss of love, care and guidance, in equal shares and Rs.1,00,000/- to the mother for loss of love and affection, in case, she is alive.

7. In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.3,58,000/- Rs.58,000/- (enhancement towards loss of dependency) + Rs.1,00,000/- (loss of consortium, payable to the wife of the deceased only) + Rs.1,00,000/- (loss of love, care and guidance, payable to the children of the deceased in equal shares) + Rs.1,00,000/- (loss of love and affection, payable to the mother of the deceased, on her furnishing affidavit)], as indicated above,

over and above the amount 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, they shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

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

24.05.2016

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**(JITENDRA CHAUHAN)
JUDGE**