

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

**FAO-4831-2002 (O&M)**  
**Date of decision: 30.05.2016**

Harpal Kaur and others

...Appellants

Versus

Raj Kumar and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Rishav Jain, Advocate  
for the appellant (s).

Mr. Ashok K. Sharma, Advocate  
for LR's of respondent No.1.

Mr. Suvir Dewan, Advocate  
for respondent No.2.

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**JITENDRA CHAUHAN, J.**

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 02.05.2002, passed by learned Motor Accidents Claims Tribunal, Patiala, (for short, 'the Tribunal').

The arguments raised by the learned counsel for the appellants are that (1) less amount has been awarded towards loss of consortium; (2) the learned Tribunal applied the multiplier of 15, which is contrary to the law laid down in **Sarla Verma vs. DTC**, 2009 (3) RCR (Civil) 77 and; (3) nothing has been awarded towards loss of love

and affection and loss of love, care and guidance.

The learned counsel for the respondents stated that a just and reasonable compensation has already been awarded by the learned Tribunal.

I have heard the learned counsel for the parties and perused the entire record on file.

It is not in dispute that the age of the deceased, Balbir Singh was 35 years at the time of the accident. Therefore, keeping in view the law laid down in Sarla's case (supra), multiplier of 16 ought to have been applied.

In this way, the amount of compensation under the head of 'loss of dependency' comes to ₹1500/- X 12 X 16 = ₹2,88,000/-, as against an amount of ₹2,70,000/-, assessed by the learned Tribunal under this head.

Further, as per law laid down in **Rajesh Vs. Rajbir Singh**, 2013 (3) R.C.R. (Civil), 170 (SC), another amount of ₹95,000/- towards loss of consortium is payable to the wife of the deceased alone.

In view of **Vimal Kanwar and others Vs. Kishore Dan and others**, (2013-3) PLR 776, ₹50,000/- is awarded towards loss of love and affection to the mother of the deceased only and ₹1,00,000/- is awarded towards loss of love, care and guidance to the children of the deceased, in equal shares.

In view of the above, the appellant-claimants are held

entitled to the enhanced compensation of ₹2,63,000/- [₹18,000/- (enhancement towards 'loss of dependency') + ₹1,00,000/- (towards loss of love, care and guidance payable to the children of the deceased, in equal shares) + ₹50,000/- (towards loss of love and affection payable to the mother of the deceased only) + ₹95,000/- (enhancement towards loss of consortium payable to the wife of the deceased only)] as indicated above, in the manner prescribed in the impugned award, 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.

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

**30.05.2016**

ashok

**( JITENDRA CHAUHAN )  
JUDGE**