

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

**Date of Decision : 10.03.2016**

**1) F.A.O. No.2608 of 2007 (O&M)**

Dalbir Kaur and another

..... Appellants

versus

Ravidass Transport Company and others

..... Respondents

**2) F.A.O. No.3154 of 2007 (O&M)**

Amar Singh

..... Appellant

versus

Ravidass Transport Company and others

..... Respondents

**3) F.A.O. No.3155 of 2007 (O&M)**

Harpal Kaur

..... Appellant

versus

Ravidass Transport Company and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present : Mr. Tapish Gupta, Advocate  
for the appellants (in FAO-2608-2007)  
for the respondents No.4 and 5 (in FAO-3154 & 3155-2007)

Mr. Jaideep Verma, Advocate  
for the appellant(s) (in FAO-3154 & 3155-2007)

Mr. Ramneek Vasudev, Advocate  
for respondent Nos.1 & 2.

Mr. Lalit Garg, Advocate  
for respondent No.3-insurance company.

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1. Whether Reporters of 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?

**AJAY TEWARI, J. (Oral)**

These are three appeals separately filed by widow and minor daughter, father and mother of the deceased for the enhancement of compensation on account of death of Paramjit Singh, aged 35 years, in a motor vehicular accident on 20.07.2004. All these appeals are decided by this common order.

The Tribunal assessed the income at Rs.6000/- p.m. and by applying deduction of 1/3<sup>rd</sup> and multiplier of 14 awarded compensation 6,72,000/- and further awarded Rs.5000/- towards consortium and Rs.8000/- towards transportation and last rites alongwith interest @ 9% p.a. However, it was stipulated that if the compensation amount would be deposited within a period of one month the rate of interest would be 6% p.a.

As regards the appeals filed by father of the deceased bearing FAO No.3154 of 2007, the same has to be dismissed since the father is a Class-II heir in the presence of widow and mother. Resultantly, the appeal bearing FAO-3154-2007 is dismissed.

As regards the appeal filed by other claimants viz. FAO Nos.2608 & 3155 of 2007, learned counsel for the appellants have argued that the stipulation that rate of interest would be 6% per annum in case the

amount is deposited within one month is not supported by any law.

I find this to be indeed so.

Learned counsel for the appellants have further relied upon the decision of the Hon'ble Supreme Court in the case of *Rajesh and others v. Rajbir Singh and others* reported as *2013(9) SCC 54*, where an amount of Rs.1 lac was awarded towards loss of consortium to the widow and Rs.1 lac each to three minor children for loss of care and guidance. They have further argued that under conventional heads very less amount has been awarded and has relied upon the decision of the Hon'ble Supreme Court in *Vimal Kanwar and others vs. Kishore Dan and others, (2013-3) PLR 776*, where the Hon'ble Supreme Court awarded a sum of Rs.1 lac to the widow and a sum of Rs.2 lac to the minor girl and Rs.1 lac to the mother on account of loss of love and affection, and another sum of Rs.1 lac towards loss of consortium to the widow.

Learned counsel for the respondent No.3-insurance company is not in a position to deny these contentions as well. However, he has argued that since the widow has now got re-married she is not entitled for any consortium.

Keeping in view the entire conspectus of facts, I award Rs.17,000/- more to the appellants towards funeral expenses. I further award an amount of Rs.50,000/- towards loss of love and affection to the widow-Dalbir Kaur. I further award an amount of Rs.1 lac to the minor daughter-Jasleen Kaur and Rs.50,000/- to the mother-Harpal Kaur towards loss of love and affection.

The enhanced amount shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization but the stipulation made by the Tribunal with regard to interest shall not be applied. Apart from the individual amounts awarded, the entire amount would fall in the share of the daughter-Jasleen Kaur and the same shall be disbursed to her at the age of attaining majority.

The appeals bearing FAO Nos.2608 & 3155 of 2007 are allowed in the above terms and the award is modified accordingly.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**March 10, 2016**

*ashish*

**( AJAY TEWARI )  
JUDGE**