

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

FAO-1160-2012 (O&M)

Date of decision: 26.02.2016

Gurdip Chand @ Sonu

...Appellant

Versus

Gurdeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kushagra Mahajan, Advocate,
for the appellant.

Ms. Anamika Mehra, Advocate
for respondent No.2.

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JITENDRA CHAUHAN, J.

The present appeal has been filed against the impugned award dated 02.11.2011, passed by the learned Motor Accident Claims Tribunal, Amritsar, ('the Tribunal', for brevity).

It is contended that the learned Tribunal has erred in assessing the income of the deceased, Rajni Bala, a house maker at Rs.1,000/- per month. He prays that keeping in view the price index income deserved to be enhanced. It is further contended that the compensation awarded by the learned Tribunal under the conventional heads is also on the lower side and deserves to be enhanced.

On the other hand, the learned counsel for the Insurance Company has vehemently opposed the present appeal and states that the learned Tribunal has rightly assessed the income of the deceased as there is no proof of income or contribution, made to the family.

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

The learned Tribunal, after considering the value of services of the deceased to her family has assessed her income at Rs.1,000/- per month, which in the opinion of this Court being less than the minimum wages, is inadequate. Therefore, this Court feels that the ends of justice would be adequately met, in case, the income of the deceased is assessed at Rs.3,000/- per month. It is ordered accordingly. The learned Tribunal has not applied any deduction in the present case, the deceased being a housewife.

In this way, the amount of compensation under the head 'loss of dependency' would come to Rs.3,000/- X 12 X 17 = Rs.6,12,000/-, as against the amount of Rs.2,04,000/-, assessed by the learned Tribunal, under this head.

Furthermore, the amount of Rs.5,000/-, awarded towards the funeral expenses is enhanced to Rs.20,000/-. It is further noticed that the learned Tribunal has awarded Rs.10,000/- for loss of consortium. Accordingly, another amount of

Rs.90,000/- is granted to the claimant-husband for loss of consortium.

In view of the above, the claimant-appellant is held entitled to enhanced compensation of Rs.5,13,000/- [Rs.4,08,000/- (enhancement towards loss of dependency) + Rs.15,000/- (enhancement towards funeral expenses) + Rs.90,000/- (enhancement towards loss of consortium)], 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, he shall also be entitled to interest as indicated in the award i.e. 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.

26.02.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**