

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

**FAO No.6535 of 2012
Date of decision :18.01.2016**

Gurmit Singh and others

.....Appellants

Versus

Sunny Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Vaibhav Sehgal, Advocate for appellants.

Mr. Lalit Garg, Advocate for respondent No.4.

DARSHAN SINGH, J.

The present appeal has been preferred by appellants-claimants Gurmit Singh and others against the award dated 07.06.2012 passed by learned Motor Accidents Claims Tribunal, Ludhiana (hereinafter called the 'Tribunal').

2. The appellants-claimants have filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of the death of Smt. Hardeep Kaur due to injuries received by her in the motor vehicular accident, which took place on 02.06.2011 due to rash and negligent driving of the car bearing

registration No.PB-10V-4904 by respondent No.1. It was further pleaded that deceased Smt. Hardeep Kaur was running the boutique and was earning Rs.6000/- per month. She was 37 years of age and was quite hale and hearty.

3. The claim petition filed by the appellants was contested by respondents.

4. The learned Tribunal allowed the claim petition filed by the claimant and awarded the compensation to the tune of Rs.5,29,500/-. Respondent No.4 was directed to pay the amount of compensation within two months failing which the claimant was held entitled to recover the simple interest @ 6% per annum from the date of filing the petition till realisation of the entire amount.

5. Dissatisfied with the quantum of compensation awarded by the learned Tribunal, the present appeal has been preferred by the appellants.

6. I have heard Mr. Vaibhav Sehgal, Advocate, learned counsel for the appellants, Mr. Lalit Garg, Advocate, learned counsel for respondent No.4 and have gone through the paper-book carefully.

7. Initiating the arguments, learned counsel for the appellants contended that the deceased was about 40 years of age. 15 should be the multiplier but the learned Tribunal has wrongly applied the multiplier of 13. He further contended that only Rs.5000/- have been awarded on account of loss of consortium. No amount has been awarded to claimants No.2 to 4 on account of love and affection. The funeral expenses awarded by the learned Tribunal are also not in accordance with law. No

transportation charges have been awarded. Thus, he contended that the computation of the compensation by the learned Tribunal was not in accordance with law laid down by the Hon'ble Apex Court in case ***Smt. Sarla Verma & Ors. Vs. Delhi Transport Cooperation & Anr. 2009(3) RCR (Civil) 77*** and ***Rajesh & Ors. Vs. Rajbir Singh & Ors. 2013(3) RCR (Civil) 170***. Learned counsel for the appellants further contended that the rate of interest awarded by the learned Tribunal was also on the lower side.

8. On the other hand, learned counsel for the respondent-Insurance Company contended that the learned Tribunal has taken into consideration all the heads while computing the amount of compensation. Thus, the amount of compensation awarded by the learned Tribunal is just and appropriate.

9. I have duly considered the aforesaid contentions.

10. I found substance in the contentions raised by learned counsel for the appellants. As per the findings of the learned Tribunal, deceased Smt. Hardeep Kaur was about 40 years of age at the time of her death. As per the law laid down by Hon'ble Apex Court in ***Smt. Sarla Verma & Ors. Vs. Delhi Transport Cooperation & Anr.*** (supra), the multiplier of 15 should have been applied but the Tribunal has wrongly applied the multiplier of 13. With this increase in the multiplier, there will be increase of Rs.80,000/- [40000 x 15 = 600000, less Rs.5,20,000/- (already awarded by the Tribunal) = 80,000/-] in the compensation awarded by the learned Tribunal.

11. The learned Tribunal has awarded a sum of Rs.5000/-

towards loss of consortium. As per the law laid down by the Hon'ble Apex Court in ***Rajesh & Ors. Vs. Rajbir Singh & Ors.*** (supra), claimant-appellant No.1 shall be entitled to a sum of Rs.1,00,000/- towards loss of consortium instead of Rs.5000/- awarded by the Tribunal. The appellants-claimants No.2 to 4 shall also be entitled to a sum of Rs.1,00,000/- on account of loss of love and affection. The claimants shall be entitled to a sum of Rs.25,000/- towards funeral expenses instead of Rs.2000/-. They will also be entitled to a sum of Rs.2000/- towards transportation charges. In this manner, the appellants are entitled for enhancement of Rs.3,00,000/- over and above the compensation awarded by the learned Tribunal making the total amount of compensation as Rs.8,29,500/-.

12. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced from Rs.5,29,500/- to Rs.8,29,500/-. The claimants shall be entitled to interest on the enhanced amount as awarded by the learned Tribunal. The enhanced amount shall be shared equally by all the appellants. The liability to pay the compensation and mode of disbursement shall be as per the award of the Tribunal.

18.01.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**