

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

FAO No.10066 of 2014 (O&M)
Date of decision: October 18, 2016

Jasbir Kaur & others ...Appellants

Versus

Mahendra Gora and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ishaan Cooner, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

CM-27792-2014:

This is an application under Section 5 of the Limitation Act seeking condonation of 103 days delay in filing the appeal. For the reasons mentioned in the application, same is allowed. Delay in filing the appeal is condoned.

FAO-10066-2014:

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellants submits that tribunal has erred in not granting adequate compensation under usual heads and even no compensation has been granted for love and affection. He, submits that reasonable amount may be granted to the appellants under the various heads.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the death of deceased Kuldeep Kumar alias Kuljit Singh.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 11.11.2012, in which Kuldeep Kumar alias Kuljit Singh husband of appellant No.1, father of appellants No.2 to 4 and son of appellant No.5 had died. Admittedly, accident was caused due to rash and negligent driving of respondent No.2, driver of the offending vehicle i.e. truck No.RJ-14-GD-4928. The deceased was 50 years of age at the time of his death. The tribunal taking the deceased to be a casual labourer, assessed his income as Rs.4000/- per month. An addition of 15% was made towards future prospects, thus, his monthly income was worked out as Rs.4600/-. After deducting 1/3rd, monthly dependency of the appellants was assessed as Rs.3067/- i.e. Rs.36,804/- per annum. After applying multiplier of '13' and granting Rs.1.00 lac for loss of consortium, Rs.25,000/- as funeral expenses and Rs.5000/- on account of loss of estate, the tribunal granted a total compensation of Rs.6,08,452/-. In my considered view, the appellants would also be entitled for another sum of Rs.70,000/- towards loss of love and affection. The appellants would also be entitled to interest as awarded by the tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

October 18, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No