

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

**C.M. Nos.28175-176-CII-2014 in/and
F.A.O. No.10225 of 2014
Date of Decision : 29.03.2016**

Smt. Shiksha and others

..... Appellants

versus

Surender and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. N.K. Malhotra, Advocate
for the applicants-appellants.

Mr. Pardeep Kumar, Advocate
for respondent No.3-insurance company.

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)

CM-28175-28176-CII-2014

These are applications for condoning the delay of 95 days in
refiling and 395 days in filing the appeal.

For the reasons recorded, the application for condoning the
delay in refiling the appeal is allowed subject to all just exceptions. Delay
condoned.

In my opinion, it would be in the interest of justice if the
application for condoning the delay in filing the appeal is allowed subject to

the condition that the appellants shall not be entitled to the interest on the enhanced amount for the period during which the appeal was delayed.

Ordered accordingly. Delay condoned.

FAO-10225-2014

This appeal has been filed by the claimants for the enhancement of compensation on account of death of Sh. Ashok Kumar, aged 40 years, in a motor vehicular accident on 25.07.2012.

The Tribunal while taking the income of Rs.4500/- p.m. and applying the deduction of 1/4th towards dependency and multiplier of 15 awarded compensation of Rs.6,07,500/-. The Tribunal further awarded an amount of Rs.5000/- towards consortium and Rs.20,000/- towards funeral expenses.

Learned counsel for the appellants has 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.

Learned counsel for the appellants has 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.

Keeping in view the entire conspectus of facts, I award an amount of Rs.95,000/- more towards consortium and Rs.1 lac towards loss of love and affection to the widow-appellant No.1. I further award an amount of Rs.1 lac each to the appellants No.2 and 3-daughters and an amount of Rs.50,000/- to the appellant No.4-minor son towards loss of love and affection.

The enhanced amounts shall be paid along with interest @ 8% p.a. from the date of filing of the claim petition till realization. Apart from the individual amounts awarded, the apportionment and management would be as per the direction of the Tribunal.

The appeal is 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 29, 2016

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**(AJAY TEWARI)
JUDGE**