

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

FAO-10496-2014 (O&M)

Decided on: 22.08.2016

Manoj and others

.... Appellants

Versus

Ajit and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Anil Kumar Gehlawat, Advocate,
for the appellants.

Mr. Rajesh K. Sharma, Advocate,
for respondent No.3-Insurance Co.

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Rohtak (in short 'the Tribunal') under two heads (i) The widow of the deceased has been awarded ₹1,00,000/- for loss of consortium but no compensation has been awarded for loss of love and affection. (ii) The deceased remain admitted in PGIMS Rohtak for a period of 2 days but no compensation has been awarded for expenses on his medical treatment.

Counsel for the insurance company has supported the award passed by the Tribunal.

The widow of the deceased has been awarded an amount of ₹1,00,000/- qua consortium in view of judgment of Hon'ble the Supreme Court "**Rajesh and others vs. Rajbir and others 2013(3) RCR (Civil) 170**". Hon'ble the Supreme Court has held that consortium is the right of the spouse to the company, care, help, comfort, guidance, society, solace, affection and sexual relations with his or her mate. It has further been held that it would be just and reasonable that the Court awards at least

₹1,00,000/- for loss of consortium.

In view of the above, the appellants are not entitled to any additional amount for loss of love and affection.

So far as plea of the appellants for grant of compensation in regard to expenses on treatment of the deceased for a period of 2 days when he remained under treatment at PGIMS Rohtak, the said contention is not supported by any documentary evidence. However, there is no challenge to correctness of the averments that the deceased met with an accident on 13.12.2012 but succumbed to the injuries sustained in the occurrence on 15.12.2012 and he was shifted to PGIMS Rohtak for treatment.

In view of the aforesaid, the appellants are awarded token compensation to the tune of ₹10,000/- for expenses on transportation and medical etc.

The additional amount of ₹10,000/- shall be payable alongwith interest @ 7.5% per month from the date of filing of petition till realization. The same shall be payable to the widow of the deceased.

Disposed of accordingly.

(REKHA MITTAL)
JUDGE

22.08.2016
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No