

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

FAO-2741-2013 (O&M)
Date of Decision: 26.02.2016

Anita and others

...Appellants

Versus

Dalbir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the appellant.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3.

JITENDRA CHAUHAN, J. (Oral)

The present appeal has been filed by the injured-claimants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Jind, ('the Tribunal', for brevity) vide award dated 10.12.2012.

2. None causes representation on behalf of the appellant.

It has been averred in the petition that the deceased was 42 years of age at the time of his death in the accident. He was an Assistant Sub Inspector in the Haryana Police. The amount of Rs.10,000/-, awarded towards loss of consortium, transportation and funeral expenses to the claimants is on the lower side. The amount awarded under other heads is also inadequate.

3. On the other hand, the learned counsel for the respondent-Insurance Company, contends that just and reasonable compensation has been awarded to the appellants.

4. I have heard learned counsel for the parties and perused the case file.

5. It is not in dispute that the deceased was 42 years of age at the time of his death. He was employed as Assistant Sub Inspector in the Haryana Police. The amount of compensation awarded on account of consortium, transportation and funeral expenses is against the law laid down by the Hon'ble Supreme Court in ***Rajesh Vs. Rajbir Singh (SC), 2013(3) R.C.R. (Civil), 170.*** Accordingly, another amount of Rs.90,000/- is awarded towards 'loss of consortium', payable to the wife of the deceased only and another amount of Rs.25,000/- is awarded towards transportation and funeral expenses.

6. In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs. 1,15,000/- [Rs.25,000/- (enhancement towards transportation and funeral expenses) + Rs.90,000/- (loss of consortium, payable to the wife only)], as indicated above, in the manner prescribed in the impugned award, 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, they shall also be entitled to interest @ 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

sumit.k

**(JITENDRA CHAUHAN)
JUDGE**