

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

FAO-3495-2013 (O&M)
Date of decision: 16.05.2016

Kamla Devi and others

...Appellants

Versus

Sahabudin and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rahul Vats, Advocate
for the appellants.

Mr. R. N. Singhal, Advocate
for respondent No.3.

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JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 07.02.2013, passed by learned Motor Accidents Claims Tribunal, Narnaul (for short, 'the Tribunal').

The arguments raised by the learned counsel for the appellants are that (1) less amount is awarded by the learned Tribunal towards last rites and transportation and (2) nothing has been awarded towards loss of consortium, which is contrary to the law laid down in ***Rajesh Vs. Rajbir Singh***, 2013(3) R.C.R. (Civil), 170 (SC).

On the other hand, the learned counsel for respondent No.3 has failed to controvert the submissions raised by the learned counsel for the appellants.

I have heard the learned counsel for the parties and perused the record.

As per the law laid down in Rajesh's case (supra), an amount of ₹1,00,000/- is awarded towards loss of consortium payable to the wife of the deceased only and another amount of ₹15,000/- is enhanced towards funeral expenses and transportation.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of ₹1,15,000/- [₹1,00,000/- (towards loss of consortium payable to the wife of the deceased, only) + ₹15,000/- (enhancement towards funeral expenses and transportation)] 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.

16.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**