

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

**FAO-146-2015
Decided on:23.08.2016**

Anju and others

.... Appellants

Versus

Ganesh Kumar Singh and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Dheeraj Narula, Advocate,
for the appellants.

Mr. Kamaldip Singh Sidhu, Advocate,
for respondents No.1 to 3.

Mr. Lalit Garg, Advocate,
for respondent No.4.

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Sirsa (in short 'the Tribunal') in regard to death of Prem Kumar in a motor vehicular accident that took place on 30.12.2012.

To substantiate claim of the appellants for enhancement of compensation, counsel has submitted that the Tribunal has assessed income of the deceased at ₹5,000/- per month but the same requires enhancement as deceased was running a shop of photography. It has further been submitted that compensation awarded under conventional head needs re-look and enhancement in the light of judgments "*Rajesh and others Vs. Rajbir Singh and others*", 2013(3) R.C.R. (Civil) 170 and "*Vimal Kanwar and others vs. Kishore Dan and others*" 2013(2) R.C.R. (Civil) 945.

Counsel for the insurance company has supported the award

passed by the Tribunal.

I have heard counsel for the parties, perused the paper-book, particularly the award passed by the learned Tribunal.

The Tribunal has assessed income of the deceased at ₹5,000/- per month. The plea of the appellants that Prem Kumar (since deceased) was carrying a business of photography does not find corroboration from any source whatever. In these circumstances, no intervention in the findings of the Tribunal with regard to income of the deceased is warranted.

With regard to compensation under conventional heads, Anju @ Anju Bala-widow of the deceased shall be entitled to an amount of ₹1,00,000/- for loss of consortium. The minor children of the deceased namely, Kashish and Samarth @ Sam are awarded an amount of ₹1,50,000/- in equal share for loss of love and affection. The appellants shall be entitled to an amount of ₹25,000/- for loss of estate. The enhanced compensation shall be ₹1,00,000 + ₹1,50,000 + ₹25,000 – ₹25,000 (consortium already allowed) = ₹2,50,000/-. The enhanced compensation shall carry interest @ 7.5% from the date of filing of petition till realization, payable to children of the deceased in equal share. The same shall be deposited in fixed deposit receipts till the minors attain majority. The interest accruing on FDRs' shall be payable to their mother to meet expenses on their education and living.

Disposed of accordingly.

(REKHA MITTAL)
JUDGE

23.08.2016
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No