

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

**FAO No.2193 of 2014 (O&M)
Date of decision : 10.02.2016**

Gurvinder Kaur and others

.....Appellants

Versus

Mohan Lal alias Mangat Ram and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Satbir Gill, Advocate for applicants-appellants.

Mr. Rajbir Singh, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

CM-2667-CII-2016

This application has been filed by the appellants for restoration of the appeal, which was dismissed in default vide order dated 15.01.2016.

Mr. Rajbir Singh, Advocate has accepted the notice of the application on behalf of respondent No.3-Insurance Company and stated that he has no objection in restoration of the appeal.

So, the present application is hereby allowed. The appeal

stands restored to its original number.

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2. The present appeal has been preferred by appellants Gurvinder Kaur and others against the award dated 02.11.2013 passed by learned Motor Accidents Claims Tribunal, Sirsa (hereinafter called the 'Tribunal') vide which the claimants have been awarded the compensation to the tune of Rs.13,70,000/- along with interest @ 7.5.% per annum from the date of filing the present petition till realisation on account of death of Malkeet Singh in the motor vehicular accident, which took place on 12.12.2012.

3. The present appeal has only been preferred for enhancement of the amount of compensation.

4. Learned counsel for the appellants contended that appellant Gurvinder Kaur the mother of the deceased has not been awarded just compensation on account of loss of love and affection. The learned Tribunal has awarded only Rs.10,000/- towards loss of love and affection and Rs.10,000/- towards funeral expenses. He contended that very less amount has been awarded under these conventional heads.

5. Learned counsel for the respondent-Insurance Company cannot repel the contentions raised by learned counsel for the appellants.

6. Appellant No.1 Gurvinder Kaur is the mother of deceased Malkeet Singh. The learned Tribunal has awarded only Rs.10,000/- towards loss of love and affection. The appellant is entitled to Rs.50,000/- towards loss of love and affection of her son. So, the amount

of compensation for loss of love and affection is enhanced from Rs.10,000/- to Rs.50,000/-. The Tribunal has awarded only Rs.10,000/- towards funeral expenses and transportation etc., which is also enhanced to Rs.25,000/-. So, there will be net increase of Rs.55,000/- in the amount of compensation awarded by the learned Tribunal. So, the total amount of compensation is enhanced from Rs.13,70,000/- as awarded by the learned Tribunal to Rs.14,25,000/-

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced by Rs.55,000/-, raising the total amount of compensation/award to Rs.14,25,000/- instead of Rs.13,70,000/- as awarded by the learned Tribunal. The claimants shall be entitled to interest on the enhanced amount from the date of filing the petition till realization @ 7.5% per annum, the rate of interest as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

10.02.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**