

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1621 of 2016 (O&M)
Decided on: 06.12.2016

Gurcharan Kaur and others
.....Appellants
Versus
Karam Chand and others
.....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Dhruv Sihag, Advocate
for the appellants.

REKHA MITTAL, J.

CM No.6014-CII of 2016

Prayer in this application is for condoning delay of 173 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Gurcharan Kaur, the applicant-appellant, the application is allowed and delay of 173 days in filing the appeal stands condoned.

MAIN CASE

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Kurukshetra (in short 'the Tribunal') in regard to death of Satnam Singh in a motor vehicular accident that took place on 11.07.2014.

The Tribunal awarded an amount of Rs.17,24,580/- under the following heads:-

Sr. No.	Category	Amount
1.	Loss of dependency	Rs.12,39,300/-
2.	Loss of love and affection	Rs.1,00,000/-

3.	Loss of estate	Rs.25,000/-
4.	Funeral expenses	Rs.25,000/-
5.	Medical bills	Rs.3,35,280/-
	TOTAL	Rs.17,24,580/-

Counsel for the appellants has submitted that compensation awarded by the Tribunal qua loss of love and affection at Rs.1,00,000/- and loss of estate Rs.25,000/- needs enhancement. The Tribunal has allowed medical expenses to the tune of Rs.3,35,280/- but has not awarded any compensation for services of an attendant, special diet and transportation expenses as the victim remained alive and under medical care for a period of 08 days due to sustaining of injuries in the occurrence that eventuality proved fatal.

I have head counsel for the appellants, perused the paperbook particularly the award passed by the Tribunal.

The deceased was divorcee aged about 29 years. The claimants are the parents and younger brother of the deceased. As father of the deceased and claimant Simranjeet Singh is alive and there is no such plea raised by the claimants that Sh. Jasbir Singh father of the deceased suffers from any disability or was dependent upon earnings of the deceased, Simranjeet Singh cannot be held to be dependent upon the deceased. The Tribunal has awarded an amount of Rs.1,00,000/- for loss of love and affection and Rs.25,000/- for loss of estate and there is no justification for enhancement of compensation in this regard. So far as the expenses incurred on special diet, transportation, etc. there is no evidence adduced by the claimants in this regard. There is no tangible reason justifying enhancement of compensation over and above what has been awarded by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

06.12.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No