

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

FAO No.5327 of 2013 (O&M)
Date of decision: August 12, 2016

Smt. Kanwaljit Kaur & others ...Appellants

Versus

Jasbir Singh & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Manaise, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for No.3.

Rajan Gupta, J.(oral)

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellants submits that tribunal has erred in not granting adequate compensation under usual heads like loss of consortium, funeral expenses, loss of estate etc. He, thus, submitted that reasonable amount may be granted to the appellants under the aforesaid heads.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the death of deceased Hardev Singh.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 24.07.2011, in which Hardev Singh husband of appellant No.1, father of appellants No.2 to 6 and

son of performa respondents No.4 & 5 had died. The tribunal taking the deceased to be a skilled labourer, assessed his income as Rs.4500/- per month and after deducting 1/4th, monthly dependency of the claimants was assessed as Rs.3375/- i.e. Rs.40,500/- per annum. After applying multiplier of 15 and granting Rs.10,000/- as loss of consortium, Rs.5000/- as funeral expenses and Rs.5000/- as loss of estate, the tribunal granted Rs.6,07,500/- as compensation to the claimants. In my considered view, compensation granted on account of loss of consortium, funeral expenses and loss of estate is on the lower side. Therefore, the appellants would be entitled for another sum of Rs.50,000/- towards loss of consortium and Rs.15,000/- more for funeral expenses. They would also be entitled to another sum of Rs.50,000/- towards loss of estate. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

August 12, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No