

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

FAO No. 5485 of 2013 (O&M)

Decided on: 29.03.2016

Menka @ Menka Begum and others

...Appellants

Versus

Arun Kumar and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : None for the appellants.

Mr. Neeraj Khanna, Advocate,
for Mr. Ravinder Arora, Advocate,
for respondent No. 3.

JITENDRA CHAUHAN.J.

This appeal has been filed by the claimants against the award dated 21.01.2013, passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri, (for short “The Tribunal”) seeking enhancement of the compensation.

The widow, daughter, two sons and mother of late Sri Manzoor Ali @ Manzoor Khan filed claim application under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal. The learned Tribunal, vide impugned award, assessed the income of the deceased at Rs. 5,000/- per month keeping in view the minimum wages fixed by the State Government for a semi-skilled daily wager. Keeping in view the

number of dependents, deduction of 1/3th was made on account of personal expenses of the deceased. Considering the age of the deceased as 41 years, multiplier of 14 was applied and the loss of dependency was assessed at Rs. 6,30,000/-. A sum of Rs. 10,000/- was awarded for transportation of dead body and last rites. Another sum of Rs. 5,000/- was awarded for loss of consortium. A total compensation of Rs. 6,45,000/- was awarded to the claimants.

Feeling aggrieved, the present appeal has been filed by the claimants for enhancement.

Perused.

The amount awarded under the heads of loss of consortium and transportation is required to be enhanced keeping in view the dictum of law laid down in “***Rajesh and others Vs. Rajbir Singh and others 2013 (3) RCR (Civil) 170***” and “***Vimal Kanwar and others v. Kishore Dan and others, (2013) 7 SCC 476***”. Accordingly, the amount awarded on account of loss of consortium is enhanced from Rs. 5,000/- to Rs. 1 lac. The children are awarded a sum of Rs. 1 lac for loss of love and affection whereas, the mother of the deceased is awarded a sum of Rs. 50,000/- under the same head. Another sum of Rs. 10,000/- is awarded for funeral expenses.

In view of the above, the claimants are held entitled to the enhanced compensation of Rs. 2,55,000/- as indicated above, 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, he shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization.

29.03.2016

sumit

(JITENDRA CHAUHAN)

JUDGE