

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

**FAO No.4878 of 2014 (O&M)**

**Date of decision : 18.02.2016**

**Mangali Ram and another**

.....Appellants

*Versus*

**Kashmir Singh 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. Amardeep Hooda, Advocate for appellants.

Mr. M.B. Jain, Advocate for respondent No.3.

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**DARSHAN SINGH, J.**

**CM-13701-CII-2014**

There is delay of 81 days in filing the present appeal. The appellants have filed an application under Section 5 of the Limitation Act for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed.

**FAO No.4878 of 2014 (O&M)**

The present appeal has been preferred against the award

dated 05.12.2013, passed by the learned Motor Accidents Claims Tribunal, Rohtak (hereinafter called the 'Tribunal'), vide which the compensation to the tune of Rs.8,35,000/- has been awarded to the claimants on account of death of their son Bijender in the motor vehicular accident, which took place on 05.11.2010.

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

3. I have heard Mr. Amardeep Hooda, Advocate, learned counsel for the appellants, Mr. M.B. Jain, Advocate, learned counsel for respondent No.3 and gone through the paper-book carefully.

4. Learned counsel for the appellants contended that the appellant-claimants have filed the claim petition for grant of compensation on account of death of their son Bijender but the learned Tribunal has not awarded any amount towards loss of love and affection.

5. Learned counsel for the respondent-Insurance Company has not able to dispute the aforesaid factual position.

6. I have duly considered the aforesaid contentions.

7. The appellants-claimants have lost their son in the present accident. So, they were certainly entitled to the compensation towards loss of love and affection. Thus, the claimants shall be entitled to a sum of Rs.50,000/- towards loss of love and affection. Consequently, the total amount of compensation comes to Rs.8,85,000.

8. Thus, keeping in view my aforesaid discussion, the appeal is partly allowed. The award of compensation to appellants-claimants is enhanced to Rs.8,85,000/- from Rs.8,35,000/-, as awarded by the learned

Tribunal. The appellants-claimants shall be entitled to interest @ 7.5% per annum on the enhanced amount from the date of filing the petition till realisation. The mode of disbursement of the awarded amount and the liability shall remain as determined by the learned Tribunal.

**18.02.2016**

*sunil yadav*

**( DARSHAN SINGH )  
JUDGE**