

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

**FAO No.4942 of 2014
Date of decision :14.01.2016**

Karam Kaur

.....Appellant

Versus

Gurmit Singh and another

...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. Ram Kumar Chauhan, Advocate for appellant.
Mr. Amit Kundra, Advocate for respondent No.2.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 03.12.2013 passed by learned Motor Accidents Claims Tribunal, Hoshiarpur, (hereinafter called the 'Tribunal') whereby the learned Tribunal has awarded a sum of Rs.1,80,000/- as compensation on account of death of Joginder Ram alias Joginder Pal, husband of the appellant-claimant in the motor vehicular accident which took place on 04.03.2013.

2. Learned counsel for the appellant-claimant contended that the learned Tribunal has awarded only a sum of Rs.5000/- towards funeral expenses and Rs.10,000/- towards the loss of consortium which

are highly inadequate. He further contended that no amount has been awarded as compensation towards the loss to estate.

3. On the other hand learned counsel for respondent No.2- Insurance Company contended that the deceased was 70 years of age at the time of the accident. Keeping in view the age of the deceased, the amount of compensation awarded by the learned Tribunal is just and appropriate.

4. I have duly considered the aforesaid contentions.

5. The perusal of the impugned award shows that the learned Tribunal has awarded Rs.5000/- as funeral charges and Rs.10,000/- as loss of consortium. This fact is not disputed that deceased was 70 years of age at the time of the accident. There was no document available on record to show the income of the deceased. So, I do not find any illegality in the omission in the award to grant compensation on account of loss to estate. However, the funeral charges awarded by the learned Tribunal are on the lower side. So, the funeral charges are enhanced to the extent of Rs.20,000/- making the total amount as Rs.25,000/-. The Tribunal has awarded Rs.10,000/- on account of the loss of consortium, which is also on the lower side. However, keeping in view the advanced age of the deceased the loss of consortium to the claimant is enhanced by Rs.15,000/- making the total amount as Rs.25,000/-.

6. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation awarded to the appellant/claimant is enhanced by Rs.35,000/- making the total amount of compensation as Rs.2,15,000/-. The claimant shall be

entitled to interest on the enhanced amount from the date of filing the petition till realization @ 9% 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.

14.01.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**