

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

FAO-5091-2014 (O&M)

Date of decision: 18.01.2016

Huma Khan and ors.

...Appellants

Versus

Balwan Singh and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vivek Suri, Advocate for the appellants.

Ms. Madhu Sharma, Advocate for respondent No.2

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JITENDRA CHAUHAN, J.

CM NO.14420-CII of 2014

For the reasons contained in the application, same is allowed and delay of 80 days in filing the appeal is condoned.

Main Case

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 03.10.2013, passed by the learned Motor Accident Claims Tribunal, Panchkula (for short, 'the Tribunal').

The learned counsel for the appellants contends that the claimants were fully dependent upon the earnings of the deceased,

Mashkoor Ahmad Khan. The amount awarded under the conventional heads is on the lower side and deserves to be enhanced in view of ***Rajesh vs. Rajbir Singh (2013 (3) KLT 89 (SC)***.

The learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

I have heard the learned counsel for the parties and perused the record.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident.

It is noticed that the learned Tribunal has awarded an amount of Rs.10,000/- for 'loss of consortium', which in the opinion of this Court, is on the lower side. Accordingly, as per the law laid down in ***Rajesh's case (supra)***, an amount of Rs.10,000/-, awarded under the head 'loss of consortium' is enhanced to Rs.1,00,000/-.

Furthermore, following the law laid down in ***Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776***, an amount of Rs.1,00,000/- is awarded to the children of the deceased for loss of love, care and guidance and an amount of Rs.50,000/- is awarded to the mother of the deceased for loss of love and affection.

In view of the above, the claimant-appellants are held

entitled to the enhanced compensation of Rs.2,40,000/- [Rs.90,000/- (enhancement towards loss of consortium) + Rs.50,000/- (towards loss of love and affection payable to the mother of the deceased only) + Rs.1,00,000/- (enhancement towards loss of love, care and guidance payable to the children of the deceased) as indicated above, in the manner prescribed in the impugned award, 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, they shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization. However, the amount towards future prospects shall be released on furnishing of adequate surety by the appellant.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

18.01.2016
ashok

(JITENDRA CHAUHAN)
JUDGE