

FAO-5194 of 2014 (O&M)

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

**FAO-5194 of 2014 (O&M)
Date of decision: 11.02.2016**

Kishan Kumar and others

...Appellant(s)

Versus

Rajesh Kumar and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Harkesh Manuja, Advocate,
for the appellants.

Ms. Vandana Malhotra, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

The present appeal has been filed by the claimants-appellants dated 29.10.2013 claiming enhancement of the compensation awarded by the Learned Motor Accident Claims Tribunal, Sonipat (for short 'the Tribunal') vide which the compensation of Rs. 7,44,930/- was awarded to the claimants.

The learned counsel for the appellants contends that the Tribunal has assessed the income of the deceased at Rs. 5,000/- per month. The deduction of 1/3th was made and the dependency was held at Rs. 39,996/- per month. Multiplier of 17 was applied and the loss of dependency was assessed at Rs. 6,79,932/-. A sum of Rs. 50,000/- was awarded on account of loss of love and affection and guidance to the

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minor children. Another sum of Rs. 5,000/- was awarded on account of funeral expenses and transportation. A sum of Rs. 10,000/- was awarded towards a loss of consortium. The total compensation of Rs. 7,44,932 /- was awarded to the claimants. He further contends that the amount of Rs. 50,000/- on account of love and affection is on lower side. A sum of Rs. 10,000/- towards loss of consortium and Rs. 5,000/- towards funeral expenses are on lower side. This Court is of the opinion that the compensation is required to be enhanced.

Therefore, following the law laid down in ***Vimal Kanwar and others Vs. Kishore Dan and others, (2013-3) PLR 776***, another amount of Rs.50,000/- is awarded towards loss of love and affection, payable to the children of the deceased, in equal share.

Furthermore, as per the law laid down in ***Rajesh Vs. Rajbir Singh (SC), 2013(3) R.C.R. (Civil), 170***, amount of Rs.10,000/- awarded by the learned Tribunal, towards loss of consortium is enhanced to Rs.90,000/- and another amount of Rs.15,000/- is awarded under the funeral expenses.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.1,55,000/- [Rs.50,000/- (towards loss of love and affection, payable to the children of the deceased, in equal share) + Rs.90,000/- (enhancement towards loss of consortium) + Rs.15,000/-

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(enhancement towards funeral expenses)] 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.

11.02.2016

sumit

(JITENDRA CHAUHAN)
JUDGE