

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

FAO No.5225 of 2014 (O&M)

Date of decision : 03.08.2016

Balwinder Kaur and others

.....Appellants

Versus

Darshan Khan and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Naveen Sharma, Advocate for appellants.

Ms. Vandna Malhotra, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

CM-14788-CII-2014

There is delay of 109 days in filing the present appeal. The appellant has filed an application under Section 5 of the Limitation Act, 1963 for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 109 days in filing the present appeal is hereby condoned.

FAO No.5225 of 2014

The present appeal has been preferred by the appellants-claimants against the award dated 29.10.2013, passed by the learned Motor Accidents Claims Tribunal, Rupnagar (hereinafter called the “Tribunal”)

vide which the appellants-claimants have been awarded a sum of ₹ 13,60,400/- as compensation on account of death of Prem Singh as a result of injuries suffered by him in the motor vehicular accident, which took place on 23.06.2012.

2. The present appeal has been preferred by the appellants-claimants for enhancement of amount of compensation.

3. Learned counsel appearing for the appellants-claimants contended that the learned Tribunal has not awarded the just compensation to the appellants. No amount has been awarded to the parents of the deceased on account of loss of love and affection of their son. Very less amount has been awarded on account of loss of consortium to appellant-claimant No.1, the widow of the deceased and also on account of loss of love, care and guidance to the minor children. The amount awarded towards funeral expenses is also very less.

4. On the other hand, learned counsel appearing for the respondent-Insurance Company contended that the compensation has been adequately awarded under all the conventional heads. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions and found considerable substance in the contentions raised by learned counsel for the appellants-claimants.

6. The learned Tribunal has determined the income of the deceased to be ₹ 8000/- per month and thus awarded a sum of ₹ 13,10,400/-

to the claimants towards loss of dependency. Besides, appellant-claimant No.1 has been awarded a sum of ₹ 5000/- towards loss of consortium, ₹ 30,000/- has been awarded to the claimants No.2 and 3, minor children of the deceased towards loss of love, care and guidance, ₹ 10,000/- towards funeral expenses. Learned Tribunal has also awarded ₹ 5000/- towards loss of estate.

7. The aforesaid amounts awarded towards the conventional heads are highly inadequate and required to be enhanced adequately. No amount has been awarded to the claimants No.4 & 5, the parents of the deceased, on account of loss of love and affection of their son. Appellant-claimant No.1, widow of the deceased shall be entitled to ₹ 1,00,000/- towards loss of consortium. Appellants-claimants No.2 and 3, minor children of the deceased shall be entitled to ₹ 1,00,000/- towards loss of love, care and guidance. Appellants-claimants No.4 and 5, parents of the deceased shall be entitled to ₹ 1,00,000/- towards loss of love and affection of their son. The appellants-claimants shall also be entitled to ₹ 25,000/- towards funeral expenses. Thus, the total amount of compensation payable to the claimants comes to ₹ 16,40,400/- (13,10,400 + 1,00,000 + 1,00,000 + 1,00,000 + 25,000 + 5000).

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to ₹ 16,40,400/- from ₹ 13,60,400/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount from the date of filing the petition till

realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

03.08.2016

sunil yadav

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No