

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

FAO-5939-2013 (O&M)

Date of decision: 21.01.2016

Babu Lal and ors.

...Appellants

Versus

Anand and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ram Pal Verma, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate,
for respondent No.3

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JITENDRA CHAUHAN, J.

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 23.11.2012, passed by the learned Motor Accident Claims Tribunal, Sonapat (for short, 'the Tribunal').

The learned counsel for the appellants contends that the amount of compensation awarded under the conventional heads is on the lower side and deserves to be enhanced.

On the other hand, the learned counsel for the respondent-Insurance Company states that an adequate amount has

already been awarded and thus prays for dismissal of the appeal.

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

This is not in dispute that the deceased Meena, aged 48 years, died in the accident in question as a result of rash and negligent driving of respondent No.1.

From the perusal of the award, it is noticed that the learned Tribunal has awarded an amount of Rs.5,000/- for 'cremation and last rites' and Rs.5,000/- for 'loss of consortium', which in the opinion of this Court, are on the lower side. Accordingly, the amount of Rs.5,000/-, awarded under the head 'cremation and last rites' is enhanced to Rs.25,000/- and Rs.5,000/-, awarded under the head 'loss of consortium' is enhanced to Rs.1,00,000/-. In view of 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.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of Rs.2,15,000/- [Rs.20,000/- (enhancement towards cremation and last rites) + Rs.95,000/- (enhancement towards 'loss of consortium', payable to the husband of the deceased only) + Rs.1,00,000/- (towards loss of

love, care and guidance payable to children of the deceased in equal share)] 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.

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

21.01.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**