

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

FAO-599-2013 (O&M)

Date of decision: 18.01.2016

Hardeep Kaur and ors.

...Appellants

Versus

Iqbal Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the appellants.

Mr. Lalit Garg, Advocate,
for respondent No.3

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JITENDRA CHAUHAN, J.

CM NO.3968-CII of 2013

For the reasons contained in the application, same is allowed and delay of 49 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 17.07.2012, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal').

The learned counsel for the respondent-Insurance

Company has vehemently opposed the present appeal.

I have heard the learned counsel 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.

From the perusal of the award, it is noticed that the learned Tribunal did not award any compensation on account of the future prospects of the deceased. Therefore, keeping in view the law laid down in ***Rajesh and others Vs. Rajbir Singh and others, (2013) 9 SCC 54***, an increase of 50% is ordered towards the head of 'future prospects'. In this way, the amount of compensation under the head of 'loss of dependency' comes to Rs.3300/- + 50% X 12 X 17 X 2/3 = Rs.6,73,200/-, as against the amount of Rs.4,48,800/-, assessed by the learned Tribunal under this head.

Furthermore, it is noticed that the learned Tribunal has awarded an amount of Rs.5,000/- for 'cremation and last rites' and Rs.10,000/- 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.10,000/-, 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.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.3,84,400/- [Rs.2,24,400/- (enhancement towards loss of dependency) + Rs.20,000/- (enhancement towards cremation and last rites) + Rs.90,000/- (enhancement towards 'loss of consortium', payable to the wife of the deceased only) + Rs.50,000/- (towards loss of love and affection payable to mother 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.

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

18.01.2016
ashok

(JITENDRA CHAUHAN)
JUDGE