

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

-.-

FAO 5455 of 2014 (O&M)
Date of decision: 17.11.2016

Karamjit Kaur and others

..... Appellants

Versus

M/s Canadian Institutes of Care and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Anil Kumar Spehia, Advocate
for the appellants

Mr. R K Bhashamboo, Advocate
for the Insurance Company

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Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Avtar Singh in a motor vehicular accident that took place on 16.12.2010.

Counsel for the appellants has submitted that he claims enhancement of compensation only under conventional heads. It is argued that the Tribunal has awarded Rs.1,00,000.00 for loss of consortium to widow, Rs.1,00,000.00 for loss of love and affection to three children and Rs.25,000.00 for expenses on funeral. No compensation has been awarded to the mother for loss of love and affection or loss of estate to the claimants. Compensation awarded for loss of love and affection to the children needs enhancement.

Counsel for the insurance Company has supported the award

with the submission that it is not incumbent in every case to award compensation for loss of estate.

I have heard counsel for the parties and perused the paper book particularly the award passed by the learned Tribunal.

In the light of judgments passed by Hon'ble the Apex Court granting compensation under conventional heard particularly a three Judge Bench judgment ***Rajesh and others vs. Rajbir Singh and others 2013 (3) R.C.R. (civil) 170***, children of the deceased are allowed an amount of Rs.2.25 lakhs in equal share and Rs.50,000.00 to mother for loss of love and affection. The claimants shall be entitled to Rs.25,000.00 for loss of estate. The Additional amount of Rs.2,00,000.00 shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization. The same shall be shared by Gurpreet Kaur and Satnam Singh, children in equal share except Rs.50,000.00 awarded to mother for loss of love and affection. The amount falling to share of the children shall be deposited in Fixed Deposit Receipts in a nationalized Bank till they attain the age of majority or for a period of three years which ever is later. Interest accruing on the Fixed Deposit Receipts of children shall be payable to the mother for meeting expenses on their education and living. The claimants shall not be entitled to raise any loan against the Fixed Deposit Receipts.

Allowed in the aforesaid terms.

(Rekha Mittal)
Judge

17.11.2016
mohan bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No