

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

**FAO No.6175 of 2013 (O&M)
Decided on: 11.08.2016**

Sushila Devi and another

....Appellants

Versus

Iliyas Khan and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Munish Mittal, Advocate
for the appellants.

Mr. Rajiv Dhawan, Advocate
for respondents No.1 and 2.

None for respondent No.3.

REKHA MITTAL, J.

Sushila Devi (widow) and Johney, minor are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Karnal (for brevity 'the Tribunal') in respect of death of Malwa Singh in a motor vehicular accident that took place on 15.02.2010 but the victim died on 22.02.2010.

Counsel for the appellants has submitted that compensation awarded by the learned Tribunal under the conventional heads needs re-look and enhancement.

Counsel for respondents No.1 and 2 has supported the award passed by the learned Tribunal.

There is no representation on behalf of respondent No.3.

The learned Tribunal has awarded compensation under conventional heads in the following terms:-

SR. NO.	HEADS	AMOUNT
1.	Funeral expenses	Rs.2,000/-
2.	Loss of love and affection	Rs.2,000/-
3.	Loss of consortium	Rs.5,000/-
TOTAL		Rs.9,000/-

The appellants shall be entitled to an amount of **Rs.25,000/- each** for expenses on funeral and loss of estate. **Rs.1,00,000/-** for loss of consortium to widow, and **Rs.1,00,000/-** for loss of love and affection to Johny. In this way, compensation under conventional heads comes to **Rs.2,50,000/-** and enhanced compensation is calculated at **Rs.2,41,000/-** (Rs.2,50,000/- – Rs.9,000/-) payable with interest @ 7.5% per annum from the date of filing of the petition till realization.

The compensation payable to the child towards loss of love and affection shall be payable to him as per his entitlement discussed hereinbefore. The remaining enhanced compensation shall be paid to widow of the deceased.

The compensation awarded to the minor child shall be deposited in the shape of FDR in a nationalized bank for a period of three years or till he attains the age of majority whichever is later. The compensation payable to widow shall also be deposited in FDR for a period of three years.

Disposed of accordingly.

11.08.2016
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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No