

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

FAO-5978-2014 (O&M)
Date of decision: 28.01.2016

Malkeet Kaur and anr.

...Appellants

Versus

Rohtash Kumar and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Dheeraj Narula, Advocate for the appellants.

Mr. Jagdeep Singh, Advocate for respondent No.2.

Mr. Sanjeev Pabbi, 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 12.03.2014, passed by the learned Motor Accident Claims Tribunal, Sirsa (for short, 'the Tribunal').

It is contended that the deceased Gurdeep Singh, was the sole bread winner of the family and the claimants are fully dependent upon him. The amount awarded under the conventional heads being inadequate deserves to be enhanced.

The learned counsel for the respondent-Insurance

Company states that just and reasonable compensation has allowed and pray for dismissal of the appeal.

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

The fact of accident is not disputed. From the record, it stands established that the deceased had died as a result of the accident.

From the perusal of the award, it is noticed that the learned Tribunal has awarded an amount of Rs.10,000/- for 'loss of consortium' and Rs.10,000/- towards the head 'cremation and last rites', which are in the opinion of this Court are on lower side and against the law laid down in ***Rajesh Vs. Rajbir Singh (SC), 2013(3) R.C.R. (Civil), 170***. Accordingly, amount of Rs.10,000/- awarded for 'loss of consortium' is enhanced to Rs.1,00,000/- and amount of Rs.10,000/- awarded towards the head 'cremation and last rites' is enhanced to Rs.25,000/-.

Further, it is noticed that nothing has been awarded towards the 'loss of love, care and guidance'. Therefore, following the 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 towards 'loss of love, care and guidance' payable to the children of the deceased.

In view of the above, the claimant-appellants are held

entitled to the enhanced compensation of Rs.2,05,000/- [1,00,000/- (towards loss of love, care and guidance payable to the children of the deceased only) + Rs.90,000/- (towards 'loss of consortium', payable to the wife of the deceased only) + Rs.15,000/- (enhancement towards 'cremation and last rites')] 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.

28.01.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**