

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 877 of 2013 (O&M)

Date of Decision : 29.09.2016

Mahender Singh and others

....Appellants

Versus

Yogender and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harish Nain, Advocate
for the appellants.

Ms. Richa Mittal, Advocate
for Mr. R.C. Gupta, Advocate
for respondent no. 2.

Surinder Gupta, J.

Motor Accident Claims Tribunal, Narnaul (later referred to as 'the Tribunal') awarded compensation of ₹1,25,000/- for death of Ram Kumar (later referred to as 'the deceased'), aged 75 years, in a motor vehicle accident, which took place on 30.05.2007 with motorcycle bearing registration no. HR-35-D-1974.

2. Claimants have filed this appeal seeking enhancement of compensation.

3. Learned counsel for appellants has confined his submissions for enhancement of compensation towards loss of consortium for wife of the deceased and towards funeral expenses. Learned counsel for appellants has argued that amount of ₹10,000/- awarded under both the heads is on lower side keeping in view the fact that accident had taken place on 30.05.2007.

4. Learned counsel for respondent no. 2-Insurance Company has argued that the deceased was 75 years of age and his wife Savitri was also

quite old at the time of accident. The Tribunal has taken into account both these facts while awarding compensation for the loss of consortium and funeral expenses and has rightly quantified the same as ₹10,000/- under both the heads, which call for no upward revision.

5. The deceased was 75 years of age and left behind his wife and a son. When one is in the age group of seventies, he is more dependent on his spouse as children by this age grow up and get involved with their families. Loss of spouse at this phase shatters the life of a person and he requires more care and support. To say that compensation of ₹10,000/-, as awarded by the Tribunal, for loss of consortium at an old age is just and reasonable, will be a travesty, unethical and against canon of justice. Accident and death of husband of claimant took place in the year 2007. In the case of **Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54**, accident took place in the year 2007 and Apex Court has observed that it would be just and reasonable that Courts award at least ₹1 lac for loss of consortium. Funeral expenses in that case were also allowed as ₹25,000/-.

6. Keeping in view above observations of Apex Court, compensation awarded by the Tribunal towards loss of consortium is enhanced from ₹10,000/- to ₹1 lac and towards funeral expenses from ₹10,000/- to ₹25000/-.

7. As a sequel of my discussion above, this appeal has merit and is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of Ram Kumar is enhanced from ₹1,25,000/- to ₹2,30,000/-. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of claim petition till actual realization. Respondent No. 2 being insurer of the offending vehicle will

deposit the share of claimants-appellants in their bank accounts or pay the same through demand drafts.

8. In the event of demise of any of the claimants before or after passing of award, compensation of his/her share shall be paid to surviving claimants.

September 29, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No