

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

**FAO No.5454 of 2015
Decided on: 03.11.2016**

Harnandi

....Appellant

Versus

Rajender Kumar and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. S.P. Chahar, Advocate
for the appellant.

Ms. Vandana Malhotra, Advocate
and Ms. Monika Jangra, Advocate
for respondents No.3.

REKHA MITTAL, J. (Oral)

Smt. Harnandi widow of late Sh. Dharambir is in appeal seeking enhancement of compensation in regard to death of Dharambir in a motor vehicular accident that took place on 10.09.2012 near village Ladpur Chowk, Badli Bye Pass, Jhajjar.

The learned Tribunal assessed income of the deceased at Rs.6,000/- per month, adopted a multiplier of 9 and deducted 50% for personal and living expenses to compute loss of dependency at Rs.3,24,000/-. In addition, an amount of Rs.20,000/- has been awarded for transportation and funeral expenses and Rs.25,000/- for loss of consortium, love and affection.

Counsel for the appellant has submitted that compensation awarded by the Tribunal under conventional heads needs enhancement in the light of judgments of Hon'ble the Supreme Court of India

“Rajesh and others Vs. Rajbir Singh and others”, 2013(3) R.C.R.

(Civil) 170 and “*Vimal Kanwar and others vs. Kishore Dan and others*” 2013(2) R.C.R. (Civil) 945.

Counsel for the insurance company, on the contrary, has supported the award.

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

In the light of judgments relied upon by counsel for the appellant, compensation under conventional heads is awarded detailed hereinbelow:-

- | | | |
|----|--|---------------|
| 1. | Loss of consortium | Rs.1,00,000/- |
| 2. | Expenses on transportation and funeral | Rs.25,000/- |
| 3. | Loss of estate | Rs.25,000/- |

In this manner, the additional compensation would be Rs.1,05,000/- payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

03.11.2016
yakub

(REKHA MITTAL)
JUDGE

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