

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.7914 of 2014 (O&M)
Date of decision: November 29, 2016

Manjeet Kaur & others ...Appellants

Versus

Pardeep Kumar and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Navmohit Singh, Advocate for the appellants.

Mr. S.S. Sidhu, Advocate for respondent No.4.

Rajan Gupta, J.(oral)

CM-21361-CII-2014:

This is an application under Section 5 of the Limitation Act seeking condonation of 173 days delay in filing the appeal. For the reasons mentioned in the application, same is allowed. Delay in filing the appeal is condoned.

FAO-7914-2014:

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal.

Only plea raised by learned counsel for the appellants is that nothing has been awarded to the mother of the deceased on account of love and affection due to death of his son Gurcharan Singh. He, submits that reasonable amount may be granted to appellant No.3 i.e. mother of the deceased for loss of love and affection.

Learned counsel for the respondent No.4 insurance company submits that adequate compensation has been awarded for the death of

deceased Gurcharan Singh.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that accident took place on 22.12.2012, in which Gurcharan Singh, husband of appellant No.1, father of appellant No.2 and son of appellant No.3 had died. Admittedly, accident was caused due to rash and negligent driving of respondent No.1, driver of the offending vehicle i.e. car No.HR-07P-0191. The deceased was 37 years of age at the time of his death. The tribunal assessed monthly income of deceased as ₹10,500/- i.e. ₹1,26,000/- per annum. After deducting 1/3rd amount for personal expenses and living of deceased, the tribunal assessed ₹84,000/- as annual dependency of the petitioners and by applying a multiplier of '15', appellants were granted ₹12,60,000/- on account of loss of income. After adding ₹10,000/- towards loss of estate, ₹25,000/- for funeral expenses, ₹1,00,000/- towards consortium and ₹1,00,000/- towards care and brought up of minor children, a total compensation of ₹14,95,000/- has been granted to the appellants. In my considered view, appellant No.3 i.e. mother of the deceased would also be entitled for another sum of ₹50,000/- towards loss of love and affection. She would also be entitled to interest as awarded by the tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

November 29, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No