

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

FAO-8125-2014 (O&M)

Date of decision: 11.04.2016

Mukesh Kumar and others

...Appellants

Versus

Jaspal Singh and others

...Respondents

CORAM:HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Satbir Rathore, Advocate,
for the appellants.

Service of respondent No.1-dispensed with.

None for respondent No.2.

Ms. Madhu Sharma, Advocate,
for respondent No.3.

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JITENDRA CHAUHAN, J.

CM-21937-CII-2014

Keeping in view the averments made in the application, the same is allowed. The delay of 60 days in filing the present appeal is hereby condoned.

FAO No.8125 of 2014

The present appeal has been filed by the claimant-appellants, seeking enhancement of the amount of compensation

awarded by learned Motor Accidents Claims Tribunal, SBS Nagar, ('the Tribunal', for brevity) vide award dated 04.01.2014.

2. The learned counsel for the appellants contends that deceased-Sunita was 25 years of age at the time of accident and nothing has been awarded on account of loss of consortium and loss of love and affection. The compensation under the conventional heads is also inadequate.

3. On the other hand, the learned counsel for the Insurance Company has vehemently opposed the present appeal.

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

5. The deceased, Sunita, was a household lady. In order to determine her contribution to the family in terms of monetary value, the learned Tribunal has assessed her notional income at Rs.3,000/- per month. No deduction has been applied. After applying the multiplier of 18, the loss of dependency has been worked out at Rs.6,48,000/-. An amount of Rs.25,000/- has been awarded towards funeral expenses. Thus, the claimants have been held entitled to receive a sum of Rs.6,73,000/- However, the learned Tribunal has not awarded any amount as loss of consortium to the claimant-husband. Therefore, keeping in view the law laid down in ***Rajesh and others Vs.Rajbir Singh and***

others, (2013) 9 SCC 54, an amount of Rs.1,00,000/-, is awarded to the claimant-husband, for loss of consortium. Further an amount of Rs.1,00,000/-, stands awarded to the children of deceased in equal shares in respect of loss of love and affection.

6. In this way, the appellants are held entitled to the enhanced compensation of Rs.1,00,000/- (loss of consortium, payable to the claimant-husband only) + Rs.1,00,000/- (enhancement towards loss of love and affection to the minor children in equal shares)], over and above the amount of compensation 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, it shall also carry interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

7. With the aforesaid modification in the impugned award, the present appeal is partly allowed.

11.04.2016

sumit.k

**(JITENDRA CHAUHAN)
JUDGE**