

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

**F.A.O No. 8200 of 2014 (O&M)
Date of decision :05.02.2016**

Shisha Singh and others

..... Appellants

Versus

Surender Kumar and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

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

Mr. Deepak Vashisth, Advocate
for respondent no.1

Mr. J.S.Saini, Advocate
fore respondent no.2.

Ms. Vandana Malhotra, Advocate
for respondent no.3.

DARSHAN SINGH,J

CM No. 22214-CII of 2014

There is delay of 100 days in filing the present appeal.

Heard.

In view of the reasons mentioned in the application, the
application stands allowed and the delay of 100 days in filing the appeal
is hereby condoned.

FAO No. 8200 of 2014

The present first appeal has been preferred against the award dated 24.12.2013 passed by the learned Motor Accident Claims Tribunal (for short 'Tribunal'), Karnal, vide which a sum of Rs. 2,05,000/- has been awarded as compensation to the claimants on account of the death of Smt. Kartar Kaur in the motor vehicular accident, which took place on 20.06.2011.

2. The claimant was 65 years of age. It is alleged that she was self employed and her monthly income was Rs.20,000/-. The present appeal has preferred for enhancement of the amount of compensation.

3. I have heard Mr. Mr.Parminder Singh, Advocate, learned counsel for the appellants, Mr. Deepak Vashisth, Advocate, learned counsel for respondent no.1, Mr. J.S.Saini, Advocate, learned counsel for respondent no.2, Ms. Vandana Malhotra, Advocate, learned counsel for respondent no.3 and have meticulously gone through the paper book.

4. Initiating the arguments, learned counsel for the appellants-claimants contended that the tribunal has not awarded any amount on account of loss of consortium to appellant-claimant Shisha Singh, the husband of the deceased. He contended that claimant-Shisha Singh is entitled to sum of Rs. 1 lac towards loss of consortium.

5. On the other hand, Ms. Vandana Malhotra, Advocate, learned counsel for respondent-Insurance Company contended that the amount of compensation awarded by the learned tribunal is just and appropriate.

6. I have duly considered the aforesaid contentions.

7. The perusal of the impugned award shows that the learned

Tribunal has not awarded any amount to claimant-Shisha Singh, the husband of the deceased towards loss of consortium. There is no dispute with the proposition of law that the spouse is entitled to compensation towards the loss of consortium. So, claimant-Shisha Singh shall be entitled to a sum of Rs. 1 lac towards loss of consortium in addition to the amount of compensation already granted by the learned Tribunal. In this manner, the amount of compensation is enhanced to Rs. 3,05,000/- instead of Rs. 2,05,000/- awarded by the learned Tribunal.

8. Thus, keeping in view of my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced from Rs.2,05,000/- to Rs.3,05,000/-. The claimant-Shisha Singh shall also be entitled to pendente lite and future interest at the rate determined by the learned Tribunal on the enhanced amount from the date of institution of the claim petition till its realization. The liability to pay the enhanced amount of compensation shall be as per the award passed by the learned Tribunal.

February 05, 2016

s.khan

**(DARSHAN SINGH)
JUDGE**