

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

-.-

FAO 7002 of 2015
Date of decision: 16.12.2016

Pushpa Devi and another*Appellants*
Versus
Harbhajan Singh and others*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Arun Takhi, Advocate
for the appellants

Mr. Vikas Sonak, Advocate for
Mr. Ashish Yadav, Advocate
for respondent No. 3
-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Dev Raj son of Chamba Ram in a motor vehicular accident that took place on 04.02.2014.

The Tribunal awarded Rs.5,11,200.00 for loss of dependency. In addition, Rs.15,000.00 for funeral expenses, Rs.20,000.00 as general damages and loss of estate and Rs.1,00,000.00 for loss of consortium to the widow making total compensation to Rs.6,46,200.00 payable with interest @ 9% per annum from the date of petition till realization.

Counsel for the appellants 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 v.***

Rajbir Singh, (2013) 9 SCC 54 and ***Vimal Kanwar v. Kishore Dhan***

(2013) 7 SCC 476.

Counsel for the insurance company, on the other hand, has supported the award with the submission that daughter of the deceased has already attained the age of majority.

I have heard counsel for the parties and perused the paper book particularly the award impugned.

The occurrence in question took place in February 2014. Taking a clue from the judgments referred to by counsel for the appellants, the claimants shall be entitled to Rs.25,000.00 each for funeral expenses and loss of estate. The daughter of the deceased is awarded Rs.1,00,000.00 for loss of love and affection. The enhanced compensation of Rs.1,15,000.00 shall be payable with interest at the rate of 7.5% per annum from the date of petition till realization to be shared by the claimants in equal proportion.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

16.12.2016
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No