

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

FAO No.8687 of 2014 (O&M)
Date of decision: August 10, 2016

Bal Kishan & others ...Appellants

Versus

Rohit Kumar & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sumit Gupta, Advocate for the appellants.
Mr. Sunil Kumar Dhanda, Advocate for
Ms. Manisha Beniwal, Advocate for No.3.

Rajan Gupta, J.(oral)

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

Learned counsel for the appellants submits that tribunal has erred in not granting adequate compensation under usual heads like transportation, funeral, loss of consortium and loss of love and affection etc. He, thus, submitted that reasonable amount may be granted to the appellants under the aforesaid heads.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the death of deceased Rajbala.

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 31.3.2013, in which

Rajbala wife of appellant No.1 and mother of appellants No.2 to 4 had died. The tribunal assessed notional income of deceased as Rs.4500/- per month and after deducting 1/3rd of the said amount towards her personal expenses, annual loss of dependency was assessed as Rs.36,000/-. After applying multiplier of 15, compensation was assessed as Rs.5,40,000/-. Rs.25,000/- was granted on account of transportation and funeral expenses and Rs.35,000/- under the head of loss of love and affection. In this way, a total compensation of Rs.6,00,000/- was granted to the appellants. In my considered view, compensation granted on account of transportation and funeral expenses and loss of love and affection is on the lower side. No amount has been awarded for loss of consortium. Therefore, the appellants would be entitled for another sum of Rs.10,000/- towards transportation and funeral expenses, Rs.25,000/- more for loss of love and affection. They would also be entitled to a sum of Rs.25,000/- for loss of consortium. 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

August 10, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No