

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

(1)

**FAO No.7308 of 2015
Date of decision : 02.05.2016**

Smt. Suneheri

.....Appellant

Versus

Harbans Lal and another

...Respondents

(2)

**FAO No.7311 of 2015
Date of decision : 02.05.2016**

Shri Umed Singh and another

.....Appellants

Versus

Harbans Lal and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Jainainder Saini, Advocate for
Mr. Raman Chawla, Advocate for appellants
in both the appeals.

Mr. Vinod Gupta, Advocate for respondent No.2.

DARSHAN SINGH, J.

This judgment of mine shall dispose of both the appeals mentioned above, as the same have arisen out of the same award dated 16.05.2015, passed by the learned Motor Accidents Claims Tribunal,

Bhiwani (hereinafter called the 'Tribunal'), whereby Smt. Sunehri, the appellant-claimant in FAO No.7308 of 2015 has been awarded the compensation to the tune of Rs.5,46,000/- on account of death of her son Mukesh and Umed Singh and another, the appellants-claimants in FAO No.7311 of 2015 have been awarded compensation to the tune of Rs.5,46,000/- on account of the death of their son Sachin in the motor vehicular accident, which took place on 08.01.2008.

2. Both these appeals have been preferred by the appellants-claimants for enhancement of the amount of compensation.

3. Learned counsel for the appellants-claimants contended that less amount has been awarded to the claimants towards the funeral expenses. He further contended that in FAO No.7308 of 2015, appellant-claimant Sunehri is mother of deceased Mukesh and in FAO No.7311 of 2015 appellants-claimants Umed Singh and Smt. Maya are parents of deceased Sachin. He contended that Rs.50,000/- has been awarded to the petitioners in each claim petition towards loss of love and affection of their son, which is highly inadequate. He contended that Rs.1,00,000/- should have been awarded to the petitioners towards loss of love and affection of their son and Rs.25,000/- should have been awarded as funeral expenses. Thus, he pleaded for enhancement of the amount of compensation.

4. On the other hand, learned counsel for respondent-Insurance Company contended that Rs.5,46,000/-, each, have been awarded as compensation to the appellants-claimants in both the appeals

on account of death of their sons, taking into consideration all the heads by the learned Tribunal, so the just amount has been awarded to the claimants.

5. I have duly considered the aforesaid contentions.

6. The learned Tribunal has awarded only Rs.10,000/- towards funeral charges. Only Rs.50,000/- has been awarded to the appellants-claimants in both the claim petitions towards love and affection of their sons. The same is inadequate. The appellants-claimants shall be entitled to sum of Rs.1,00,000/-, in each appeal, towards loss of love and affection of their son. The appellants shall also be entitled for a sum of Rs.25,000/- towards funeral and transportation charges. In this way, the total amount of compensation comes to Rs.6,11,000/- in each of the appeals.

7. Thus, keeping in view my aforesaid discussion, both the appeals are hereby partly allowed. The amount of compensation is enhanced to Rs.6,11,000/- from Rs.5,46,000/- as awarded by the learned Tribunal in both the appeals. The appellants-claimants shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

02.05.2016

sunil yadav

(DARSHAN SINGH)
JUDGE