

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

FAO No.7338 of 2015 (O&M)

Date of decision : 02.08.2016

Mamta and others

.....Appellants

Versus

Narsingh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Gurinder Pal Singh, Advocate for appellants.

Mr. Anoop Kumar Yadav, Advocate for
Mr. Ashish Yadav, Advocate for respondent No.1.

Mr. Sanjeev Goyal, Advocate for respondent No.3-
Insurance Company.

DARSHAN SINGH, J.

CM-22967-CII-2015

There is delay of 127 days in re-filing the present appeal. The appellant has filed an application under Section 151 of the Code of Civil Procedure, 1908 for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 127 days in re-filing the present appeal is hereby condoned.

FAO-7338-2015

The present appeal has been preferred by the appellants-claimants against the award dated 16.12.2014, passed by the learned Motor

Accidents Claims Tribunal, Rewari (hereinafter called the “Tribunal”) vide which the appellants-claimants have been awarded a sum of ₹ 12,91,283/- as compensation on account of death of Satya Parkash as a result of injuries suffered by him in the motor vehicular accident, which took place on 30.12.2013.

2. The present appeal has been preferred by the appellants-claimants for enhancement of amount of compensation.

3. Learned counsel appearing for the appellants-claimants contended that the learned Tribunal has not awarded the just compensation to the appellants. No amount has been awarded to the parents of the deceased on account of loss of love and affection of their son. Thus, he pleaded that less amount of compensation has been awarded.

4. On the other hand, learned counsel appearing for the respondents contended that the compensation has been adequately awarded under all the conventional heads. Thus, he contended that there is no scope of any further enhancement in the amount of compensation.

5. I have duly considered the aforesaid contentions and found considerable substance in the contentions raised by learned counsel for the appellants-claimants.

6. The learned Tribunal has determined the income of the deceased to be ₹ 6000/- per month and thus awarded a sum of ₹ 9,82,800/- to the claimants towards loss of dependency. Besides, appellant-claimant No.1 has been awarded a sum of ₹ 1,00,000/- towards loss of consortium, ₹ 1,00,000/- has been awarded to the claimants No.2 to 4, minor children of

the deceased towards loss of guidance and social security and ₹ 25,000/- towards funeral expenses. Learned Tribunal has also awarded ₹ 83,483/- towards treatment and medical expenses. However, learned Tribunal has not awarded any amount to the claimants-parents of the deceased on account of loss of love and affection of their son. Appellants-claimants No.5 & 6 shall be entitled to ₹1,00,000/- towards loss of love and affection of their son. Thus, total amount of compensation payable to the claimants comes to ₹ 13,91,283/-.

7. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to appellants-claimants is enhanced to ₹ 13,91,283/- from ₹ 12,91,283/- as awarded by the Tribunal. The appellants-claimants shall also be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as determined by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

02.08.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No