

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

FAO No. 9540 of 2014 (O&M)

Date of decision: 03.03.2016

Sundari and others

...Appellant(s)

Versus

Mohit and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Harinder Singh, Advocate,
for Mr. Sushil Bhardwaj, Advocate,
for the appellant(s).

Mr. Munish Mittal, Advocate,
for respondent No. 1 and 2.

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

JITENDRA CHAUHAN, J.

CM-26437-CII-2014

Heard.

CM application is allowed, for the reasons mentioned
therein and the delay of 56 days in refiling the appeal is condoned.

Main case

This appeal is directed against the award dated 27.05.2014
passed by the Motor Accident Claim Tribunal, Kurukshetra vide which

the compensation of Rs. 6,15,050/- was awarded to the claimants.

The widow, son and two daughters of the deceased Manga Ram @ Mange Ram had filed a claim petition under Section 140, 141 and 166 of the Motor Vehicles Act, 1966 before the Tribunal. The Tribunal considering the deceased to be the labourer, assessed his income at Rs. 6050/- per month. The age of the deceased was 60 years. Deduction of 1/4 was made towards personal living expenses of the deceased. The annual dependency was assessed at Rs. 54, 450/- (72,600-18,150). The multiplier of 9 was applied and the loss of dependency was assessed at Rs. 4,90,050/-. A sum of Rs. 1,25,000/- was awarded under the heads of loss of consortium to wife and loss of love and affection to wife and children. In this manner, total compensation of Rs. 6,15,050/- was awarded to the claimants.

It is contended on behalf of the appellants that an amount of Rs. 1,25,000/- awarded under the heads of loss of consortium to wife and loss of love and affection to children is on lower side.

On the other hand, the learned Counsel for the respondents has vehemently opposed the present appeal.

I have heard the learned counsel for the parties and perused the record.

This Court is of the opinion that the income of the deceased has been rightly assessed by the Tribunal keeping in view the minimum wages prevalent in the year 2012-13. The deduction was also rightly made. As regards the amount of Rs. 1,25,000/- grossly awarded under

the conventional heads i.e. loss of consortium to wife, love and affection to wife and children, funeral expenses and loss of estate is inadequate.

In view of the dictum of law laid down in ***Rajesh and others Vs. Rajbir and others 2013 (3) RCR (Civil) 170***, claimant is held entitled to the enhanced compensation of Rs. 1 lac towards loss of love and affection for children to be shared equally, as indicated above, over and above the amount already awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which shall be also entitled to interest @ 7.5%, from the date of filing the present appeal, till its realization.

03.03.2016
SN

(JITENDRA CHAUHAN)
JUDGE