

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

FAO-9974-2014 (O&M)
Date of decision: 12.05.2016

Smt. Bhano Devi @ Bhago Devi and others

...Appellants

Versus

Ashok Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ram Pal Verma, Advocate
for the appellants.

Mr. Rohit Goswami, Advocate for
Mr. Vinod Chaudhri, Advocate
for respondent No.2.

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JITENDRA CHAUHAN, J.

CM Nos.27548-CII and 27549-CII of 2014

After hearing the learned counsel for the parties and for the reasons contained in the applications, which are duly supported by affidavits, same are allowed and the delay of 133 days in re-filing and 302 days in filing the present appeal are condoned, subject to all just exceptions.

CMs are allowed as prayed for.

Main Case

This is claimants' appeal seeking enhancement of the amount of compensation awarded vide impugned award dated 30.04.2013, passed by learned Motor Accidents Claims Tribunal,

Sonepat (for short, 'the Tribunal').

The arguments raised by the learned counsel for the appellants are that (1) less amount is awarded by the learned Tribunal towards loss of consortium and (2) nothing has been awarded towards love and affection to the children of the deceased, which is contrary to the law laid down in ***Vimal Kanwar and others Vs. Kishore Dan and others***, (2013-3) PLR 776.

On the other hand, the learned counsel for respondent No.2 has failed to controvert the submissions raised by the learned counsel for the appellants.

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

Following the law laid down in Vimal Kanwar's case amount of ₹1,00,000/- towards loss of love and affection shall be payable to the children of the deceased, in equal shares.

As per the law laid down in ***Rajesh Vs. Rajbir Singh, 2013 (3) R.C.R. (Civil), 170 (SC)***, another amount of ₹90,000/- towards loss of consortium payable to the wife of the deceased only.

In view of the above, the claimant-appellants are held entitled to the enhanced compensation of ₹1,90,000/- [₹1,00,000/- (towards loss of love and affection payable to the children of the deceased, in equal shares) + ₹90,000/- (enhancement towards loss of consortium payable to the wife of the deceased, only)] as indicated above, in the manner prescribed in the impugned award, 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, they shall also be entitled to interest @ 7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

12.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**