

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

FAO No.4586 of 2009 (O&M)
Date of decision: May 18, 2017

Smt. Nibha Devi & others

... Appellants

Versus

Narinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Amandeep Kaur Brar, Advocate for
Mr. Ashwani Arora, Advocate for the appellants.
Mr. Rajesh K. Sharma, Advocate for respondent No.3.

Rajan Gupta, J.

Claimants have challenged the findings of the tribunal on the limited question of computation of compensation.

Learned counsel for the appellants submits that tribunal has erred in not granting adequate compensation under usual heads like loss of love and affection, funeral expenses, loss of consortium etc. on account of death of Shankar @ Bhola Prasad Singh.

Learned counsel appearing for the insurance company, however, submit that tribunal has correctly assessed the compensation. There is no scope for enhancement of same.

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 4.8.2007, wherein Shankar @ Bhola Prasad Singh, husband of appellant No.1 and father of appellants No.2 to 6 had died. A claim petition was filed under section

163-A of the Act. The tribunal held that accident had taken place due to use of the vehicle in question and thus, the insurance company could not avoid its liability to pay the compensation. The deceased was 35 years of age at the time of accident. The tribunal assessed monthly income of deceased as Rs.3000/- i.e. Rs.36,000/- per annum. As per Schedule II of the Act it deducted 1/3rd of the amount on account of personal expenses of deceased. It, thus, assessed Rs.3,60,000/- as compensation payable to the claimants. After adding Rs.2000/- towards funeral expenses, Rs.5000/- for loss of consortium, Rs.2500/- towards loss of estate and Rs.5000/- as medical expenses, a total compensation of Rs.3,74,500/- was granted to the claimants along with interest @ 6% per annum from the date of filing the claim petition till date of payment. I am of the considered view that there is no error in the impugned award. Thus, no interference in the appellate jurisdiction of this court is called for.

Dismissed.

(RAJAN GUPTA)
JUDGE

May 18, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No