

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.5085 of 2011

Date of Decision.21.08.2017

Surjit Kaur and others

.....Appellants

Vs

Sukhbir Singh and others

.....Respondents

Present: None for the appellants.

Ms. Vandana Malhotra, Advocate
for the insurance company.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The appeal is for enhancement of compensation for death of one Ajaib Singh, who died in a motor vehicular accident at the age of 63 years. He was a pensioner and drawing pension of ₹3200/- per month. The claimants are widow, one son and two married daughters.

The claim petition was filed under Section 163-A of the Motor Vehicles Act and the Tribunal while assessing the compensation held that since after the death of the deceased, the widow is entitled for the amount of pension, there is no monetary loss and therefore, awarded a compensation of ₹10,000/- i.e. ₹5000/- for loss of consortium and ₹5000/- for funeral expenses.

I do not find any illegality and perversity in the award passed by the Tribunal. There is no monetary loss to the dependent as the widow is getting the pension amount after the death of her husband and the son and daughters are major and cannot be said to be dependent upon the deceased.

Moreover, under Section 163-A of the Motor Vehicles Act, the dependents

are entitled to a total sum of ₹9500/- on account of general damages i.e. loss

of consortium, loss of estate and funeral expenses. The Tribunal has already provided a sum of ₹10,000/- for the same.

The award passed by the Tribunal is perfectly legal and just and there is no scope for interference. The appeal stands dismissed.

(AMIT RAWAL)
JUDGE

August 21, 2017
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No