

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

FAO No.985 of 2012

Date of decision: March 15, 2017

Smt. Simarjit Kaur & others

...Appellants

Versus

Tehal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Surender Deswal, Advocate for the appellants.
Mr. Kuldeep Singh, Advocate for
Mr. Sandeep Moudgil, Advocate for respondent No.1.
Mr. Deepak Suri, Advocate for respondent No.3.

Rajan Gupta, J.

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal.

Learned counsel for the appellants submits that tribunal has erred in not granting adequate compensation under usual heads like loss of consortium, loss of estate as well as funeral expenses and even no compensation has been awarded towards loss of love and affection.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the death of deceased Mewa Singh.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, accident took place on 14.6.2009, in which Mewa Singh, husband of appellant No.1, father of appellants No.2 & 3 and son of

appellants No.4 and 5 had died. Admittedly, accident was caused due to rash and negligent driving of respondent No.1, driver of the offending vehicle i.e. tractor No.HR-10B-7578. The deceased was 26 years of age at the time of his death. The tribunal had taken monthly income of the deceased as ₹4200/- and after deducting 1/3rd amount of his income as personal expenses of deceased, tribunal assessed monthly dependency of claimants as Rs.2800/- i.e. Rs.33,600/- per annum. Applying multiplier of '17', it granted ₹5,71,200/- to the appellants. After adding ₹5000/- for loss of consortium, Rs.5000/- for funeral expenses and Rs.2000/- towards loss of estate, a total compensation of ₹5,83,200/- has been granted to the claimants. In my considered view, the tribunal has granted a very meager amount under the heads of loss of consortium, loss of funeral expenses and loss of estate. Further no amount has been granted under the head of loss of love and affection. So, I am of the considered view that appellants would be entitled for another sum of ₹95,000/- towards loss of consortium, ₹23,000/- for loss of estate and ₹5000/- for funeral expenses. Appellants are also entitled to ₹25,000/- towards loss of love and affection. In this way, total enhanced compensation would come to ₹1,48,000/-. The appellants would also be entitled to interest as awarded by the tribunal. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

(RAJAN GUPTA)
JUDGE

March 15, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No