

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

FAO No.3329 of 2013 (O&M)
Date of decision: February 07, 2017

Jasbir Kaur and another ... Appellants

Versus

Baba Narinder Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Kushagra Mahajan, Advocate for the appellants.
Mr. M.B. Jain, Advocate for respondent No.2.

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 on account of death of Malkiat 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 11.5.2010, wherein Malkiat Singh, husband of appellant No.1 and father of appellants No.2 had died. A claim petition was filed under section 163-A of the Act. The tribunal held that jeep in question, in which deceased was travelling, was

also having package policy and thus, the insurance company cannot avoid its liability to pay the compensation. The deceased was 58 years of age at the time of accident. The tribunal assessed annual income of deceased as Rs.40,000/- and after deducting 1/3rd thereof for personal expenses of deceased, it assessed annual dependency of claimants as Rs.26,667/-. After applying a multiplier of '8' appellants were awarded Rs.2,13,336/-. After adding another amount of Rs.5000/- as loss of estate, Rs.5000/- towards consortium and Rs.2500/- on account of funeral expenses, the tribunal awarded a total compensation of Rs.2,25,836/- to the appellants. 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

February 07, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No