

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

FAO-1776-2014 (O&M)
Date of decision: 16.1.2017

Rameshwari Devi and others

...Appellants

Versus

Sada Ram and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.TK Yadav, Advocate for the appellants

Mr.Sanjeev Goyal, Advocate
for respondent No.3- Insurance Company

SNEH PRASHAR, J.

The present appeal has been filed by the claimants-appellants seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, Narnaul (hereinafter referred to 'the Tribunal') vide award dated 6.3.2013 passed in MACT case no.124 of 2012, on account of death of Gabdu Ram in a motor vehicular accident that took place on 29.3.2012.

The submissions made by Mr.TK Yadav, Advocate representing the appellants and Mr.Sanjeev Goyal, Advocate for respondent No.3- Insurance Company have been considered.

The only argument raised by learned counsel for the

appellants is that the amount awarded under the conventional heads is on the lower side and that no amount has been awarded to the children of the deceased on account of loss of love, care and guidance by learned Tribunal.

There is no dispute regarding death of Gabdu Ram due to the injuries suffered by him in a road side accident caused by respondent No.1 driver of the offending vehicle. The deceased was 58 years old at the time of his death. He was working as Beldar in Irrigation Department, Haryana. Learned Tribunal following the law laid down by the Division Bench of this Court in **Oriental Insurance Company Ltd. Vs. Saroj Devi and others, 2012 (1) PLR 761**, awarded a sum of Rs.7,51,194/- on account of loss of dependency, which is correct.

Perusal of the award shows that the amount awarded under the heads (i) loss of consortium Rs.10,000 and (ii) expenses incurred on funeral and last rites Rs.10,000/- are inadequate and therefore, in the light of the law laid down in **Rajesh and others vs. Rajbir Singh and others (2013) 9 SCC 54**, a sum of Rs.1,00,000/- (including already awarded) is allowed to appellant No.1 on account of loss of consortium and the amount given as expenses incurred on funeral and last rites is enhanced to Rs.25,000/-.

The deceased was the sole bread earner of the family and his untimely death was not only a mental shock to the family members but it also abruptly snatched the only financial source of their maintenance.

Considering the fact that there are five children among whom are four daughters, in my considered opinion the ends of justice would be met, if another sum of Rs.One lac is awarded for loss of love, care and guidance to the children in equal shares.

Accordingly, the enhanced amount of Rs.2,05,000/- shall be paid to the claimants-appellants, as mentioned above, within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of filing the appeal, till its realisation.

The appeal is partly allowed and the impugned award is modified to the above extent.

16.1.2017
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes

Whether reportable?

No