

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

FAO No.4052 of 2013 (O&M)  
Date of decision: January 13, 2017

Ashok Sharma and another ...Appellants

Versus

Parveen Kumar and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: None for the appellants.

Mr. S.S. Kaushik, Advocate for respondents No.1 & 2.

Mr. M.B. Jain, Advocate for respondent No.3.

**Rajan Gupta, J.(oral)**

**CM-16396-2013:**

This is an application for condonation of 96 days delay in re-filing the appeal. For the reasons mentioned in the application, same is allowed. Delay in re-filing the appeal is condoned.

**CM-16397-2013:**

This is an application for condonation of 27 days delay in filing the appeal. For the reasons mentioned in the application, same is allowed. Delay in filing the appeal is condoned.

**FAO-4052-2013:**

Present appeal has been preferred by the appellants dissatisfied with the compensation granted by the tribunal, alleging that tribunal has erred in not granting adequate compensation under usual heads and even no compensation has been granted for love and affection.

Appellants remain unrepresented.

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

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

It appears that accident took place on 17.11.2011, in which Renuka Sharma wife of appellant No.1 and mother of appellant No.2 had died. Admittedly, accident was caused due to rash and negligent driving of respondent No.1, driver of the offending vehicle i.e. truck No.HR-38D-7445. The deceased was 27 years of age at the time of her death. She was Lecturer in ECE Department of JIET, Jind. The tribunal after deducting allowances, had taken monthly income of the deceased as ₹10,000/-. Applying a cut of 1/2, it assessed dependency of claimants upon the deceased @ Rs.5000/- per month i.e. Rs.60,000/- per annum. Applying multiplier of '16', it granted Rs.9,60,000/- to the appellants. Rs.10,000/- was also granted for funeral, transportation and loss of consortium etc. In my considered view, multiplier of '17' would be applicable in this case. By applying this multiplier, the appellants would be entitled for another sum of Rs.60,000/-. Further the tribunal has granted a meager amount of Rs.10,000/- for funeral, transportation and consortium. No amount has been granted for loss of love and affection to the minor daughter. I am of the considered view that appellants would be entitled for another sum of Rs.1,00,000/- towards loss of consortium and Rs.25,000/- towards funeral expenses. Further minor daughter of deceased i.e. appellant No.2 would be entitled for a sum of Rs.50,000/- for loss of love and affection. In this way,

total enhanced compensation would come to Rs.2,35,000/-. 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.

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| January 13, 2017 |                             | (RAJAN GUPTA) |
| 'Rajpal'         |                             | JUDGE         |
|                  | Whether speaking / reasoned | Yes / No      |
|                  | Whether Reportable:         | Yes / No      |