

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

FAO No.3354 of 2015 (O&M)

Date of decision: 08.09.2017

Joginder Ram and another

...Applicant/Appellants

Versus

Sohan Lal and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. V.K. Sheoran, Advocate for
Mr. S.K. Kaushik, Advocate
for the applicant/appellants.

Ms. Monika Jangra, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.2.

REKHA MITTAL, J. (Oral)

CM-10024-CII-2015

Heard.

For the reasons stated in the application supported by affidavit of applicant No.1-Joginder Ram, CM is allowed. Delay of 52 days in filing the appeal is hereby condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation in regard to death of Kulwant Singh in a motor vehicular accident that took place on 19.10.2013.

The Tribunal assessed loss of dependency at Rs.12,96,000/- (Rs.6000 x 12 x18). Under Conventional heads, an amount of Rs.20,000 for expenses on last rites and transportation of dead body etc. has been awarded.

Counsel for the appellants would contend that compensation awarded under conventional heads needs enhancement. For this purpose, it is argued that the Tribunal has not awarded any compensation for loss of love and affection, loss of estate and compensation for funeral expenses needs enhancement.

Counsel representing the insurance company has supported the award with the submission that adequate compensation has been awarded by the Tribunal.

I have heard counsel for the parties, perused the paper book particularly the award dated 30.10.2014.

As has been noticed hereinbefore, the Tribunal has awarded an amount of Rs.20,000/- for expenses on last rites and transportation of dead body etc. When the case is examined in the light of judgments of Hon'ble the Supreme Court **Rajesh and others Vs.Rajbir Singh and others, (2013) 9 SCC 54** and **Vimal Kanwar and others Vs. Kishore Dan and others, (2013) 7 SCC 476**, the claimants shall be entitled to the following compensation under conventional heads:-

1	Loss of love and affection to mother	Rs.50,000/-.
2	Loss of estate	Rs.25,000/-.
3	Expenses on funeral, last rites and transportation of dead body	Rs.25,000/-.

The additional amount of Rs.80,000/- shall be payable with interest @ 7.5% per annum from the date of petition till its realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

08.09.2017
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No