

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

FAO No.5527 of 2014 (O&M)
Date of decision: May 03, 2017

Sunita Devi & others ...Appellants

Versus

Amandeep Singh & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ashok Bector, Advocate for the appellants.
Mr. Pardeep Goyal, Advocate for respondent No.3
National Insurance Company Limited.

Rajan Gupta, J. (oral)

CM-15375-CII-2014:

This is an application under Section 5 of the Limitation Act for
condonation of 24 days delay in filing the appeal.

For the reasons mentioned in the application, same is allowed.
Delay in filing the appeal is hereby condoned.

FAO-5527-2014:

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 love
and affection, loss of consortium, funeral expenses etc.

Learned counsel for the insurance company submits that
adequate compensation has been awarded for the death of deceased Hem

Raj.

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

It appears, accident took place on 26.12.2012, in which Hem Raj, husband of appellant No.1, father of appellants No.2 to 4 and son of appellant No.5 had died. Admittedly, accident was caused due to rash and negligent driving of respondent No.1, driver of the offending vehicle i.e. Bus No.PAB-2144. Deceased Hem Raj was 32 years of age at the time of his death. The tribunal had taken monthly income of the deceased as Rs.5000/- and after adding 50% increase, his monthly income was assessed as Rs.7500/- i.e. Rs.90,000/- per annum. After deducting 1/4th towards the personal expenditure of deceased, annual dependency of appellants was assessed as Rs.67,500/- and after applying multiplier of '16', compensation came to be Rs.10,80,000/-. After adding Rs.10,000/- for loss of consortium and Rs.5000/- for funeral expenses, a total compensation of Rs.10,95,000/- has been granted to the claimants along with interest @ 9% per annum from the date of filing the petition till realization. I am of the considered view that compensation granted towards loss of consortium and funeral expenses is on the lower side and even no compensation has been granted for loss of love and affection to three minor children. So, in my considered view, appellant No.1 i.e. widow of deceased would be entitled to another amount of Rs.90,000/- on account of loss of consortium and appellants No.2 to 4 i.e. minor children of deceased would be entitled to another sum of Rs.1,50,000/- for loss of love and affection. Appellant would also be entitled to another amount of Rs.25,000/- for funeral expenses. In this way,

the total enhanced compensation would come to Rs.2,65,000/-. 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.

May 03, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No