

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

**FAO No.6234 of 2013 (O&M)
Date of Decision: 24.10.2017**

Bimla Devi and others

...Appellant(s)

Versus

Babu Lal and others

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. M.S. Randhawa, Advocate
for the appellants.

Ms. Sonia, Advocate for
Mr. S.K. Yadav, Advocate
for respondents No.2 to 4.

Mr. Suvir Dewan, Advocate
for respondent No.5.

ANITA CHAUDHRY, J.

CM No.25635-CII of 2013

The instant application has been filed under Section 5 of Limitation Act for condonation of delay of 17 days in filing the appeal.

In view the reasons mentioned in the application, delay of 17 days in filing the appeal is condoned.

Application stands disposed of.

FAO No.6234 of 2013

This is the claimants appeal seeking enhancement in the award dated 24.05.2013 passed by the Motor Accident Claims Tribunal, Narnaul.

Chander Singh was 36 years old and was an ex-serviceman. His widow and major married sons filed a claim petition. The deceased was a pensioner. The Tribunal made a deduction of 50% and applied the multiplier of 7 and calculated the compensation of Rs.8,22,416/-. The Tribunal had also awarded separate amounts for transportation but only a sum of Rs.10,000/- for loss of consortium and Rs.10,000/- for last rites.

The only submission made on behalf of the appellants is that the amount allowed for loss of consortium and funeral expenses is on the lower side and should be enhanced. It had been stated on behalf of the Insurance Company that the widow alone was entitled to compensation and the Tribunal had allowed the claim only to the widow and she would get the pension.

No appeal has been filed by the Insurance Company, therefore, I am not inclined to make any modification. However, the amount allowed for loss of consortium and for funeral expenses are on the lower side. A sum of Rs.90,000/- is allowed on the head of loss of consortium and Rs.15,000/- more for funeral expenses.

The appeal is partly allowed. Bimla Devi-appellant No.1 alone is entitled to the increase of Rs.1,05,000/- which would be paid by the Insurance Company with interest @ 6% from the date of filing of appeal.

October 24, 2017
ps-l

(ANsITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking

Whether Reportable

Yes/No

Yes/No