

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

FAO No. 411 of 2015 (O&M)
Date of Decision: July 17, 2017

Geeta and others

..Appellant(s)

Versus

Sushil Kumar and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Raj Kumar Rana, Advocate
for the appellants.

Mr. Siddharth Pandit, Advocate
for respondent no.2.

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

ANITA CHAUDHRY, J.

CM-1095-CII-2015

For the reasons set out in the application, same is allowed
as prayed for and deficiency of court fee has already been made good.

CM-1096-CII-2015

For the reasons set out in the application, same is allowed
as prayed for and delay of 36 days in filing the appeal is condoned.

FAO No. 411 of 2015

This appeal is for enhancement of the award dated
30.07.2014, passed by the Motor Accident Claims Tribunal, Ambala.

Raj Kumar met with an accident on 01.08.2013. He was 35 years old and was stated to be earning Rs.15,000/- per month. The claimants are the widow, three minor children in the age group of 6 – 13 and mother Bhagwanti Devi aged 55 years.

The Tribunal took the income to be Rs.5,000/- per month taking the minimum wages and applied a deduction of 1/4th and the multiplier of 16 was applied and allowed the following compensation:-

Sr. No.	Head of Compensation	Amount
1.	Loss of Dependency to the claimants no.1 to 4.	Rs.7,20,000/-
2.	Loss of consortium and loss of estate to widow-claimant no.1 Geeta	Rs.1,00,000/-
3.	Funeral Expenses and last rites of the deceased	Rs.25,000/-
4.	Loss of estate and love and affection to claimants no.2 to 4 being minor sons and daughter	Rs.75,000/-
5.	Loss of love and affection to claimant no.5	Rs.50,000/-
	TOTAL	Rs.9,70,000/-

Counsel for the appellant urges that the deduction of 1/10 should have been made and a separate amount should have been allowed for loss to the estate and Rs.1 lac should have been allowed for loss of love and affection to the children.

The submission on behalf of the insurance company is that as per the decision of Hon'ble Supreme Court in *Sarla Verma v. DTC, (2009) 6 SCC 121* the deduction and the multiplier is proper and the mother has been allowed Rs.50,000/- for loss of love and affection and they had been adequately compensated.

The deduction towards personal expenses and the multiplier applied are proper, therefore, there can be no change. I, however, find that the Tribunal had awarded Rs.1 lac for loss of consortium and loss of estate to the widow, which should have been separately awarded. Therefore, Rs.1 lac is allowed for loss of estate. For loss of love & affection for the three children, a sum of Rs.75,000/- has been allowed, which needs to be enhanced. I would make an addition of Rs.25,000/- for loss of love and affection for the children, raising the total compensation payable as Rs.1,25,000/-, which would be paid with interest @ 6% from the date of filing of the appeal till realization.

The appeal is partly allowed.

July 17, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No