

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

FAO-4523-2015 (O&M)
Date of decision: 12.09.2017

MOHD. YUNUS AND ORS

...Appellants

Versus

ABDUL HAMID AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashish Gupta, Advocate
for the appellants.

Mr. Shiva Khurmi, Advocate
for respondents No.1 and 2.

Ms. Sheenu Sura, Advocate
for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Talim in a motor vehicular accident that took place on 09.04.2013.

The Motor Accidents Claims Tribunal, Mewat (hereinafter to be referred as 'the Tribunal') assessed loss of dependency to the tune of Rs.11,23,200/-. Under conventional heads, an amount of Rs.20,000/- for expenses on burial and last rites, Rs.20,000/- for loss of consortium has been awarded making total compensation to Rs.11,63,200/- but made it to Rs.11,63,500/- payable with interest @7% per annum from the date of petition till realization.

Counsel for the appellants would contend that compensation awarded by the Tribunal under conventional heads needs enhancement.

Counsel representing the respondents have supported the award passed by the Tribunal.

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 following compensation under conventional heads:-

1. Loss of consortium to the widow	Rs.1,00,000/-
2. Loss of love and affection to the mother	Rs.50,000/-
3. Expenses on burial and last rites	Rs.25,000/-
4. Loss of estate	<u>Rs.25,000/-</u>
Total compensation	<u>Rs.2,00,000/-</u>

The additional amount of Rs.1,60,000/- (Rs.2,00,000 – Rs.40,000) shall carry interest @7.5% per annum from the date of petition till realization to be shared by the claimants in the ratio determined by the Tribunal. Other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

12.09.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No