

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

FAO-4467-2016 (O&M)
Date of decision: 27.09.2017

Manjit Kaur and others

.... Appellants

Versus

Sehajbeer Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.B.P.S.Virk, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate
for respondent No.2.

Avneesh Jhingan, J.

CM-15384-CII of 2016

This is an application filed for condonation of delay of 127 days
in filing the appeal.

I have heard learned counsel for the parties and perused the
application.

Learned counsel for the respondent has filed reply but could not
raise any serious objection for condonation of delay.

For the reasons mentioned in the application, which is duly
supported by an affidavit, the delay is condoned and the application stands
disposed of accordingly.

CM-15385-CII of 2016

This is an application filed for condonation of delay of 29 days in
re-filing the appeal.

For the reasons mentioned in the application, which is duly supported by an affidavit, the delay is condoned and the application stands disposed of accordingly.

FAO-4467-2016

The present appeal has been filed against the award dated 01.07.2015 passed by Motor Accidents Claims Tribunal, Patiala (hereinafter referred to as the 'Tribunal').

On 26.06.2014, Satpal was coming back from Samana to his village Sehajpura Khurd on his bicycle. He was struck by a verna car bearing registration No.HR-99F-(TP)-0064. As a result of the accident, Satpal received multiple grievous injuries on his head and other parts of the body. He was taken to Civil Hospital, Samana. From where, he was shifted to Rajindra Hospital, Patiala and thereafter he was again shifted to PGI, Chandigarh. He died on 01.07.2014. FIR No.118 dated 27.06.2014 was lodged in Police Station, City, Samana.

The claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the widow and two major sons of the deceased.

The Tribunal after considering the witnesses and evidence, awarded a sum of Rs.3,40,000/- along with interest @ 9% per annum. The amount awarded includes Rs.1 lakhs for loss of love and affection, Rs.50,000/- for loss of consortium and Rs.10,000/- for funeral expenses.

I have heard the learned counsel for the parties and have perused the paperbook with their able assistance.

Learned counsel for the appellant has argued that the income

assessed by the Tribunal was on the lower side. He contended that no amount has been awarded for loss of estate, medical expenses and transportation of body.

Learned counsel for the respondent has argued that the deceased was 80 years old and Rs.3,40,000/- has already been awarded by the Tribunal. No further enhancement is called for.

The contention of learned counsel for the appellant that income assessed of the deceased is less, has no merit. No proof was adduced before the Tribunal by which the income could be assessed. The contention with regard to the awarding compensation under other heads and enhancement of the compensation awarded for funeral expenses deserves acceptance.

There is no dispute on the facts of the case by either of the party. It is not disputed that as a result of the accident, Satpal suffered multiple grievous injuries for which he had to be hospitalised and was shifted twice. He ultimately succumbed to injuries on 01.07.2014. A perusal of the date of accident and date of death shows that he was hospitalised almost for five days. In such circumstances, medical expenses must have been incurred. In such state of mind, it is not possible to keep bills and vouchers for every penny spent on the medicine etc. In such circumstances, the Tribunal ought to have awarded amount for medical expenses.

It is an admitted case that the deceased was an agriculturalist and was owning land. Though in case of agricultural income, it cannot be said that on the death the entire income vanished but his contribution will not be there. Keeping in view the reasoning mentioned, the following amounts are awarded

and the amount awarded for funeral expenses is enhanced as under :-

<i>Sr.No.</i>	<i>Heads</i>	<i>Amount earlier awarded by the Tribunal</i>	<i>Now awarded</i>
1	Amount of compensation	Rs.1,80,000/-	Rs.1,80,000/-
2	Loss of love and affection	Rs.1 lakh	Rs.1 lakh
3	Loss of consortium	Rs.50,000/-	Rs.50,000/-
4	Funeral expenses	Rs.10,000/-	Rs.25,000/-
5	Loss of estate	Not awarded	Rs.50,000/-
6	Medical expenses	Not awarded	Rs.30,000/-
7	Transportation of body	Not awarded	Rs.5,000/-
	Total	Rs.3,40,000/-	Rs.4,40,000/-

The award dated 01.07.2015 is modified to the extent that the amount awarded by the Tribunal of Rs.3,40,000/- awarded is enhanced to Rs.4,40,000/- /-.

The claimant shall be entitled to enhanced amount along with interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed and is disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

27.09.2017
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- 1.Whether the order is speaking/reasoned: Yes
- 2.Whether the order is reportable : Yes