

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

FAO No.7437 of 2014 (O&M)
Date of decision: May 03, 2017

Manjeet Kaur & others

...Appellants

Versus

Davinder Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Puja Chopra, Advocate for the appellants.
Mr. R.S. Sekhon, Advocate for respondent No.1.
Ms. Vandana Malhotra, Advocate for respondent
United India Insurance Company Limited.

Rajan Gupta, J. (oral)

CM-19932-CII-2014:

This is an application under Section 5 of the Limitation Act for
condonation of 08 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-7437-2014:

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 etc.

Learned counsel for the insurance company submits that

adequate compensation has been awarded for the death of deceased Gurbhej Singh.

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

It appears, accident took place on 22.9.2012, in which Gurbhej Singh, husband of appellant No.1, father of appellant No.2 and son of appellant No.3 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.PB-29-M-9323. Deceased Gurbhej Singh was 25½ years of age at the time of his death. The tribunal had taken monthly income of the deceased as Rs.6000/- and after deducting 1/3rd income as personal expenses of the deceased, dependency of claimants was assessed as Rs.4000/- per month i.e. Rs.48,000/- per annum. By applying multiplier of '17', compensation came to be Rs.8,16,000/-. After adding Rs.10,000/- for funeral expenses, Rs.10,000/- towards consortium and Rs.10,000/- for loss of love and affection, a total compensation of Rs.8,46,000/- has been granted to the claimants along with interest @ 6% per annum from the date of filing the petition till realization. I am of the considered view that compensation granted towards loss of consortium as well as love and affection is on the lower side. 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 appellant No.2, minor son of deceased would be entitled to another sum of Rs.40,000/- for loss of love and affection. Appellant No.3 i.e. father of deceased would also be entitled to a sum of Rs.1,00,000/- for loss of love and affection. In this way, the total

enhanced compensation would come to Rs.2,30,000/-. 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