

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

FAO No.7486 of 2014 (O&M)
Date of decision: January 12, 2017

Baljeet Kaur and others

...Appellants

Versus

Bhawani Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.K. Verma, Advocate for
Mr. Kamal Narula, Advocate for the appellants.
Mr. Pradeep Kumar, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

CM-20056-2014:

This is an application under section 5 of the Limitation Act for condonation of 111 days delay in filing the appeal. For the reasons mentioned in the application, same is allowed. Delay in filing appeal is condoned.

FAO-7486-2014:

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 funeral expenses and even no compensation has been granted for loss of consortium as well as love and affection.

Learned counsel for the respondent No.3 insurance company submits that adequate compensation has been awarded for the death of deceased Makhan 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 17.03.2010, in which Makhan Singh, husband of appellant No.1, father of appellants No.2 to 8 and son of appellant No.9 had died. Admittedly, accident was caused due to rash and negligent driving of respondent No.1, driver of the offending vehicle i.e. Bus/Camper No.RJ-13P-3308. The deceased was 45 years of age at the time of his death. He was agriculturist. The tribunal had taken monthly income of the deceased as ₹4500/- being unskilled labourer. Applying a cut of 1/5th for personal expenses of deceased, it assessed dependency of claimants upon the deceased @ ₹3600/- per month i.e. ₹43,200/- per annum. Applying multiplier of '14', it granted ₹6,04,800/- to the appellants. ₹10,000/- was also granted for funeral expenses. In my considered view, the tribunal has granted a meager amount for funeral expenses. So, I am of the considered view that appellants would be entitled for another sum of ₹15,000/- for funeral expenses. The tribunal has not granted any compensation for loss of consortium as well as loss of love and affection. Therefore, the appellant No.1 widow of deceased would also be entitled for another sum of ₹1,00,000/- for loss of consortium. Appellants would further be entitled for ₹1,00,000/- for loss of love and affections. In this way, total enhanced compensation would come to ₹2,15,000/-. The appellants would also be entitled to interest as awarded by the tribunal.

Appeal is allowed in these terms. Recovery rights of the insurance company shall remain intact. Appeal is allowed in these terms. Award of the tribunal is modified to this extent. Rest of the award is maintained as such.

January 12, 2017		(RAJAN GUPTA)
'Rajpal'		JUDGE
	Whether speaking / reasoned	Yes / No
	Whether Reportable:	Yes / No