

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.7517 of 2014 (O&M)

Date of Decision: January 18, 2017

Indra Devi and others

..Appellant(s)

Versus

Ashok Kumar and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S. Khurana, Advocate
for the appellant.

Mr. D.R. Bansal, Advocate
for respondent no.3-Insurance Company.

ANITA CHAUDHRY, J.

This is the claimant's appeal for enhancement.

The counsel for the appellant at the very outset states that the Tribunal had not awarded compensation on some heads including loss of love and affection and as per the law laid down in *Vimal Kanwar and others Vs. Kishore Dan and others 2013(2) RCR (Civil 945*, a sum of Rs.1 lac should have been allowed for loss of love and affection for the children and to the parents and no amount had been allowed for funeral expenses or transportation.

On the other hand it was urged that the Tribunal had awarded expenses for the last rites and for loss of care and guidance for the minor children as well as loss of consortium and the Tribunal had given the addition of 50% as future prospects and they were not entitled to any further amount.

The Tribunal had taken the income of the deceased to be Rs.7,500/- per month and 1/4th amount was deducted as personal expenses and the annual dependency was taken as Rs.67,500/- and applying the multiplier of 17, the dependency of the claimants was taken as Rs.11,47,500/-. Besides this a sum of Rs.1 lac was allowed as loss of consortium, a sum of Rs.10,000/- as loss of estate, a sum of Rs.25,000/- for loss of care and guidance for the children, making the total to Rs.13,03,500/-.

The claimants were the widow, children and the parents of Mannu Shah. The Tribunal had awarded the amount for loss of consortium. I would award Rs.1 lac each for loss of love and affection for three minor children who were in the age group of 3 to 5 years at the time of filing of the claim petition and Rs.1 lac only for the mother namely Smt. Bachi Devi. The Tribunal had awarded Rs.25,000/- for funeral expenses and no further amount is required to be added. A sum of Rs.20,000/- is allowed for transportation, making the total increase to be Rs.4,20,000/- over and above the amount allowed by the Tribunal. The enhanced amount would be paid within two months, failing which the appellants would be allowed interest @ 7% from the date of filing of the appeal till realization.

The appeal is partly allowed.

January 18, 2017
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No