

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

FAO No. 654 of 2016 (O&M)

Date of Decision:- 27.11.2017

Jagjit Singh & Ors.

....Appellants

Versus

Sukhwinder Singh & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Vijay Kumar, Advocate, for the appellants.

AVNEESH JHINGAN, J. (Oral)

The present appeal has been filed against the award dated 27.08.2015 passed by Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal').

In a motor vehicular accident that occurred on 20.01.2015 Bachan Singh, aged 74 years lost his life. The deceased was crossing the road when he was hit by rashly and negligently driven car bearing registration No. PB-11-AZ-8838. As a result of the accident he suffered injuries and lost his life. FIR No. 7, dated 20.01.2015, was registered at Police Station Urban Estate, Patiala.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the legal heirs of the deceased. The Tribunal assessed his income as ₹6000/- per month and after making deduction of 1/3rd and applying multiplier of 5 awarded a sum of ₹2,40,000/- for loss of dependency. Another amount of ₹25,000/- was awarded for funeral expenses.

The present appeal has been filed by legal heirs of the deceased for enhancement of the amount.

Learned counsel for the appellants has not disputed the amount awarded for loss of dependency. His only claim is that no amount has been awarded for loss of estate and nothing has been awarded for loss of love and affection.

The issue raised by the learned counsel for the appellant cannot be accepted in view of the latest decision of Hon'ble Apex Court in **National Insurance Co. Ltd. Vs. Parney Sethi, SLP (Civil) 25590 of 2014,** decided on 31.10.2017. The Hon'ble Apex Court has held no amount can be awarded for loss of love and affection and as no such conventional head exists. So far as loss of estate and funeral expenses are concerned in the above stated decision, it has been held that Rs.15000/- should be awarded for funeral expenses and Rs.15000/- should be awarded for loss of estate. Already amount of Rs.25,000/- has been awarded for funeral expenses. In such circumstances, there is hardly any scope of enhancement of the said amount. The amount awarded for funeral expenses is almost equivalent to what has to be awarded under both the heads. If under one head a reasonable amount has been awarded and in other head less or no amount has been awarded, in such circumstances no interference is called for.

Accordingly, present appeal is dismissed.

November 27, 2017
tripti

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No