

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

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FAO No. 7615 of 2015 (O&M)
Date of Decision: August 17, 2017

Smt. Najja @ Anwari and others

..Appellants

Versus

Krishan Kumar and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Ashish Gupta, Advocate
for the appellants.

Mr. J.P. Sharma, Advocate
for respondents No.1 & 2.

Mr. Vinod Gupta, Advocate
for respondent No.3.

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REKHA MITTAL, J. (Oral)

CM 24022 CII of 2015

Prayer in this application is for condoning delay of 357 days in filing the appeal.

In view of averments made in the application supported by an affidavit of one of the appellants namely Smt. Najja @ Anwari and arguments advanced by counsel for the parties, application is allowed and delay of 357 days in filing the appeal stands condoned subject to condition that in case the appellants succeed in appeal, they will forgo interest for the period of delay.

FAO No. 7615 of 2015

The claimants are in appeal seeking enhancement of compensation in regard to death of Jakir son of Umed in a motor vehicular accident that took place on 21.04.2013. The Tribunal awarded an amount of

Rs.12,96,000/- towards loss of dependency, detailed in para no.13 of the award. In addition, an amount of Rs.20,000/- for expenses of burial and last rites and Rs.10,000/- for loss of consortium to widow has been awarded making total compensation to Rs.13,26,000/-.

Counsel for the appellants would urge that the amount awarded by the Tribunal under conventional heads needs re-look and enhancement in the light of judgment of Hon'ble the Supreme Court of India ***Rajesh and others v. Rajbir Singh and others 2013 (3) R.C.R. (Civil) 170.***

Counsel representing the insurance company has supported the award with the submission that just and reasonable compensation has been awarded by the Tribunal. Counsel for respondents no.1 & 2 has endorsed the arguments advanced by counsel for the insurance company.

Counsel for the appellants has not assailed findings of the Tribunal with regard to computing loss of dependency. As has been noticed hereinbefore, the Tribunal has awarded an amount of Rs.30,000.00 under two heads i.e. expenses of burial/last rites and loss of consortium. In view of enunciation laid down in the referred authority, compensation under conventional heads is allowed, detailed hereunder:-

Sr. No.	Head of Compensation	Amount (in Rs.)
1.	Loss of consortium to widow	1,00,000.00
2.	Loss of love and affection to children (to be shared equally)	4,00,000.00
3.	Loss of estate	25,000.00
4.	Expenses of burial/last rites	25,000.00
	Total	5,50,000.00

The additional amount of **Rs.5,20,000.00** shall carry interest @
7.5% per annum from the date of petition till realization except for the period

of delay, to be shared by the claimants in the ratio determined by the Tribunal. The amount falling to the share of minor claimants shall be deposited in fixed deposit for a period of three years or till they attain the age of majority, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

August 17, 2017
mohan bimbra

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No