

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

FAO No.4807-2012 (O&M)
Date of decision: 23.04.2018

Phoolwati

.... Appellant

versus

Mahabir Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vaibhav Prasher, Advocate for
Mr. B.B.Sharma, Advocate
for the appellant.

Mr. Ajay Kumar Kansal, Advocate
for respondents No.1 & 2.

Mr. Neeraj Khanna, Advocate
for the Insurance Company.

Avneesh Jhingan, J.(Oral)

The appeal has been filed against the award dated 04.02.2012 passed by Motor Accident Claims Tribunal, Karnal (for short 'Tribunal') in MACT Case No.111 of 2010. The appeal has been filed for enhancement of the compensation.

An accident took place on 29.10.2009. Ram Chander, aged 60 years, was paddling his bicycle and his wife Phoolwati was sitting on the carrier of the bicycle. On the bank of canal, Hansi Branch, the offending vehicle bearing registration No.HR-37-A-3671 driven by respondent No.1 rashly and negligently hit the bicycle. As a result of the accident, both Ram Chander and Phoolwati suffered injuries. Injuries sustained by Ram Chander proved fatal. FIR No.498 dated 30.10.2009 was registered.

In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act'), Tribunal awarded a compensation of Rs.1,40,200/- along with interest @ 7.5% per annum. The amount awarded include Rs.10,000/- for loss of consortium and Rs.5,000/- for funeral expenses.

Learned counsel for the appellant has raised only one issue that the amount awarded for funeral expenses and loss of consortium is on the lower side and no amount has been awarded for loss of estate.

The issue raised has been dealt with by the Constitutional Bench of Hon'ble Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi, 2017 (10) JT 450*.

In consonance with the decision of Hon'ble Supreme Court, the amount of Rs.15,000/- awarded under conventional head is enhanced to Rs.70,000/- i.e. Rs.15,000/- for loss of estate, Rs.15,000/- for funeral expenses and Rs.40,000/- for loss of consortium. The amount awarded of Rs.1,40,200/- is enhanced to Rs.1,95,200/-.

The appellant would be entitled to enhanced amount along with interest @ 7.5% per annum from the date of filing of petition till its realization.

With the above modification, the appeal is disposed of.

23.04.2018
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No