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

FAO-385-2013

Date of decision : 30.01.2018

Smt. Santra

... Appellant(s)

Versus

Billu @ Kuldeep and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.K. Yadav, Advocate
for the appellant.

AMIT RAWAL, J. (ORAL)

The appeal has been preferred by the claimant being widow of Hoshiyar Singh, who unfortunately died in a motor accident occurred on 11.06.2008, for enhancement of compensation against the Award passed by the Tribunal, whereby a compensation of ₹1,40,000/- along with interest @ 7.5% per annum, has been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹1,40,000/-, which is on lower side as the deceased used to deal in sale and purchase of grains, mustard etc. and was earning ₹15,000/- per month, but the Tribunal took the income of the deceased as ₹4,000/-. Moreover, no increase was made in the salary towards future prospects and an amount of ₹10,000/- towards loss of consortium and ₹10,000/- for funeral expenses, is also too meagre, thus, there is scope for enhancement.

There is no representation on behalf of respondent No.3/Insurance Company since 19.01.2015, therefore, I proceeded further to

decide the appeal on merits.

I have heard the learned counsel for the appellant and appraised the paper book and of the view that the Tribunal has rightly taken the income of the deceased as ₹4,000/- and awarded compensation of ₹1,40,000/-. However, an amount of ₹20,000/- towards conventional heads i.e. loss of consortium and funeral expenses, is too meagre and accordingly, I increase the same from ₹20,000/- to ₹70,000/- towards conventional heads i.e. loss of estate, loss of consortium and funeral expenses as per the latest judgment dated 31.10.2017 rendered by Hon'ble the Supreme Court in SLP (Civil) No.25590 of 2014 titled as “National Insurance Company Ltd. V/s Pranay Sethi and others”. The enhanced amount of ₹50,000/- towards conventional heads shall attract interest @ 6% per annum from the date of filing of the appeal till its realization. The liability shall remain the same as has already been determined by the Tribunal.

The award passed by the Tribunal is modified to the above extent and the appeal stands allowed.

30.01.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No