

FAO-6066-2014 (O&M)
Date of Decision: 20.07.2018

Surinder Kaur @ Salinder Kaur and others

....Appellants

Versus

Ranjit Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**Present:** Mr. R.S. Longia, Advocate
for the appellants.Ms. Monika, Advocate for
Mr. Jagdish Manchanda, Advocate
for respondent No.1.Mr. Ankur Gupta, Advocate
for respondent No.3.**DEEPAK SIBAL, J. (ORAL)**

Through the present appeal, the appellants/claimants seek enhancement in the compensation awarded by the Motor Accident Claims Tribunal, Kurukshetra (for short 'the Tribunal').

Learned counsel for the appellants/claimants submits that in view of the recent pronouncement by a Constitution Bench of the Apex Court in *National Insurance Company Limited Versus Pranay Sethi, (2017) 16 SCC 680* under the heads - 'consortium', 'funeral expenses' and 'loss of estate', the Tribunal has erred in granting only Rs.40,000/- instead of Rs.70,000/-. It is further submitted that the accident which caused the deceased's death took place near Kurukshetra from where initially the deceased was taken to Kurukshetra. He was then brought to PGIMER, Chandigarh where he succumbed to injuries. The dead body was then

taken back to Kurukshetra. Therefore, it was submitted that the transportation charges @ Rs.5,000/- as granted by the Tribunal were on the lower side.

Learned counsel for the respondent/Insurance Company very fairly admits that as per *Pranay Sethi's case (supra)*, the appellants are entitled to Rs.70,000/- under the heads 'consortium', 'funeral expenses' and 'loss of estate'. Accordingly, the appellants are held entitled to Rs.70,000/- under the aforesaid heads.

So far as the transportation charges are concerned, it is not disputed that the accident in question took place near Kurukshetra and initially the deceased was taken to a hospital in Kurukshetra from where he was brought to PGIMER, Chandigarh where he unfortunately expired and thereafter, his dead body was taken from Chandigarh to Kurukshetra. That being so, transportation charges of Rs.5,000/- as awarded by the Tribunal are found to be on the lower side and the same are enhanced to Rs.10,000/-.

No other point was argued.

In view of the above, the Tribunal's award is modified in the above terms. The appellants are also held entitled to interest @ 6% per annum on the enhanced amounts from the date of filing of the claim petition till its realisation.

Disposed of.

(DEEPAK SIBAL)
JUDGE

20.07.2018

Neha

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No