

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 219

FAO-367-2003

Date of decision : 05.02.2019

Surjit Kaur and others

..... Appellants

VERSUS

Manohar Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J. P. Dhull, Advocate, for the appellants.

Ms. Shamsheer Kaur, Advocate, for respondent No. 3.

DEEPAK SIBAL, J. (ORAL)

The present appeal has been filed by the claimants seeking therein enhancement in the compensation awarded by the Motor Accident Claims Tribunal, Gurdaspur (for short, the Tribunal).

A perusal of the record reveals that the claimants filed a petition under Section 163-A of the Motor Vehicles Act, 1988 (for short, the Act), seeking therein compensation on account of death of Avtar Singh in a motor vehicular accident. The appellants averred in their petition that at the time of his death Avtar Singh was thirty years old and as an agriculturist was earning ₹7,000/- per month. On 16.03.1998 at about 4 a.m. he was travelling in a truck which due to the bad condition of the road over-turned, resulting in grievous injuries to Avtar Singh and ultimately his death.

After assessing the income of the deceased and applying the applicable multiplier as also 1/3rd cut on the same on account of the expenses that the deceased would have incurred upon himself, the Tribunal determined the compensation to be paid to the appellants/claimants.

Learned counsel for the appellants submits that the Tribunal erred in not awarding any compensation towards “funeral expenses”, “loss of estate” and “loss of consortium”.

Learned counsel for respondent No. 3-Insurance Company fairly admits to the above claim made on behalf of the appellants.

As per the above consensus as also Schedule II read with Section 163-A of the Act, applicable on the date of the accident in question, the appellants should have been granted ₹9,500/- towards “funeral expenses”, “loss of estate” and “loss of consortium”.

In view of the above, the impugned award of the Tribunal is modified to the extent that the appellants are held entitled to a consolidated amount of ₹9,500/- towards “funeral expenses”, “loss of estate” and “loss of consortium”.

On the enhanced amount the claimants are also held entitled to the interest @ 6.5% per annum from the date of filing of the claim petition till its realization.

No other point was argued.

The present appeal is allowed in the above terms.

05.02.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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