

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 209

FAO-10594-2014

Date of decision : 01.03.2019

Hansa Singh and others

..... Appellants

VERSUS

Guru Ram Das Institute of
Medical Sciences & Hospital
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. C. L. Verma, Advocate, for the appellants.

Mr. Rajbir Wasu, Advocate, for respondent No. 3.

DEEPAK SIBAL, J. (ORAL)

Through the present appeal the appellants/claimants seek enhancement in the compensation awarded to them through the award dated 06.08.2014, passed by the Motor Accident Claims Tribunal, Amritsar (for short, the Tribunal).

The facts, in brief, which are required to be noticed for adjudicating upon the present appeal are that on 15.03.2013 Sarabjit Kaur (since deceased) alongwith Amarjit Kaur was going to Sultanwind. While crossing the road a bus bearing registration No. PB-02-BN-9788 (for short, the offending vehicle) hit her resulting in her death at the spot. After lodging a FIR the appellants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking therein compensation. The Tribunal after sifting the evidence which had come on record concluded that Sarabjit Kaur's death had resulted from the aforesaid accident which was caused due to the rash and negligent driving of the offending vehicle. Thereafter the payable compensation was assessed and since the offending vehicle and its driver were found to have not violated any terms of the insurance policy, the

assessed compensation was directed to be paid by respondent No.3-Insurance Company.

Learned counsel for the appellants submits that the deceased was a housewife and therefore, her assessed income @ ₹3,000/- per month was on the lower side. He further submits that the Tribunal erred by not granting ₹70,000/- under the conventional heads of “loss of consortium”, “loss of estate” and “funeral expenses” as also interest from the date of filing of the claim petition.

Learned counsel for respondent No. 3-Insurance Company submits that just and fair compensation has been assessed by the Tribunal.

At the time of her death in the year 2013 Sarabjit Kaur was a housewife and her income assessed by the Tribunal @ ₹3,000/- per month is found to be on the lower side. Considering the totality of circumstances as also keeping in view the principles of law laid down by the Hon'ble Apex Court in *“Arun Kumar Agarwal and another vs National Insurance Company and others”* (2010) 9 SCC 218, wherein the income of a household lady who had died in the year 2010 was assessed @ ₹5,000/- per month, the assessed monthly income of the deceased is enhanced from ₹3,000/- to ₹5,000/-.

In view of a recent judgment of the Hon'ble Apex Court in *“National Insurance Company Limited vs. Pranay Sethi and others”* (2017) 16 SCC 680, the appellants are also held entitled to the grant of a cumulative sum of ₹70,000/- under the conventional heads of “loss of consortium”, “loss of estate” and “funeral expenses”.

The Tribunal is also found to have erred in not granting interest

from the date of filing of the claim petition by the appellants and it is so ordered.

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

The appeal is allowed in the above terms.

01.03.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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