

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

**F.A.O No. 7101 of 2016**

**Date of decision:- 17.09.2019**

Sukhwinder Singh

...Appellant

Versus

State of Haryana & ors.

...Respondents

***CORAM: HON'BLE MS. JUSTICE RITU BAHRI***

Present:- Mr. J.S. Cooner, Advocate  
for the appellants

**RITU BAHRI J. (Oral)**

**C.M. No. 24404-CII-2018**

For the reasons mentioned in the application, delay of 133 days  
in filing of the appeal is condoned.

The application stands disposed of accordingly.

**FAO No. 7101-2016**

Issue notice of motion

Mr. R.K.S Brar, Addl.A.G Haryana and Mr. D.P. Gupta,  
Advocate accepts notice on behalf of State and Insurance Company.

The present appeal has been preferred by the claimants-  
appellants, seeking enhancement of the amount of compensation awarded  
by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the  
Tribunal') to the tune of Rs.23,11,792/- vide impugned award dated  
15.01.2016 on account of death of Kulwant Kaur in a road accident on  
15.09.2014.

After going through the award passed by the Tribunal, this

Court is of the view that the compensation has rightly been awarded to the

claimants and the claimants are only entitled to compensation of Rs.40,000/- each under the head of loss of filial consortium, in view of judgment of Hon'ble the Supreme Court of India in a case of ***Magma General Insurance Co. Ltd vs Nanu Ram Alias Chuhru Ram, 2018 (4) RCR Civil 837*** .

In view of the above factual position, the claimants i.e appellant and respondent Nos. 5 and 6 are entitled for a compensation of Rs.1,20,000/- (i.e Rs. 40000/- each) under the head of loss of filial consortium.

Accordingly, the enhanced amount of compensation of Rs.01,20,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% in view of judgment of Hon'ble the Apex Court in Civil Appeal No. 4528-2019 titled as ***Dara Singh @ Dhara Banjara vs. Shyam Singh Varma and ors, decided on 01.05.2019***. The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

17.09.2019

***G Arora***

***Whether speaking/reasoned  
Whether reportable***

**(RITU BAHRI)  
JUDGE**

***Yes  
No***