

244 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-6209-2019 (O&M)
Decided on : 20.07.2022

Anisha and others . . . Appellants
Versus
Hunny Tyagi and others . . . Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
Present: Mr. Rohit Kaushik, Advocate
for the appellant.

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by the claimants, who are widow, four minor children and parents of deceased-Salamuddin, who died in a motor vehicular accident on 23.07.2017. In the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, the following compensation was awarded by the learned Motor Accident Claims Tribunal, Karnal :-

<i>Sr. No.</i>	<i>Head</i>	<i>Amount</i>
1	Compensation on account of loss of dependency	Rs.29,70,240/-
2	Compensation on account of consortium (for petitioner No.1-widow)	Rs.40,000/-
3	Compensation on account of loss of estate	Rs.15,000/-
4	Compensation on account of funeral expenses	Rs.15,000/-
5	Compensation on account of transportation charges	Rs.7,000/-
6	Compensation on account of hospital charges	Rs.10,500/-
7	Compensation on account of loss of love and affection (petitioners No.2 to 5 – children of deceased)	Rs.2,00,000/- (Rs.50,000/- each)
8	Compensation on account of filial consortium – (petitioners No.6 and 7 – parents of deceased)	Rs.80,000/- (Rs.40,000/- each)
	<i>Total</i>	Rs.33,37,740/-

The respondents i.e. driver, owner and insurer of the offending vehicle were held jointly and severally liable to pay the awarded amount of compensation to the claimants.

Learned counsel for the appellants, while impugning the compensation awarded, submits that it is grossly inadequate and thus requires to be re-assessed and modified accordingly. He further submits that the deceased was a shopkeeper and earning in excess of Rs.20,000/- p.m. However, the Tribunal had erred by treating him as an un-skilled worker and assessing his monthly income as Rs.13,000/- only. Learned counsel further argued that since the deceased had left behind four minor children, they deserve to be compensated with Rs.50,000/- each towards filial consortium. Not only this, future prospects which had been assessed as only 40% also requires to be enhanced to 50%.

I have heard learned counsel and perused the relevant material on record.

This Court does not find any merit in the submissions made by learned counsel that the compensation awarded is inadequate and warrants any interference. Hon'ble Supreme Court in *National Insurance Co. vs. Pranay Sethi : 2017(4) RCR (Civil) 1009* has quantified Rs.40,000/- each to be granted to the widow, children and parents of the deceased. A perusal of the compensation awarded under the conventional heads including the compensation awarded qua loss of spousal, parental and filial consortium cannot, in any manner, be said to be on the lower side. The same is just and

adequate, which does not warrant any interference.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

July 20, 2022
gurpreet

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