

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4015-2010 (O&M)
Reserved on : 01.08.2022
Pronounced on : 08.08.2022

Poonam and others

..... Appellants

versus

Kismati Devi and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. B.S. Mittal, Advocate
for the appellants.

Ms. Rinky Gupta, Advocate for
respondent No.1.

Mr. Manjot Singh Rai, Advocate for
Mr. Sandeep Suri, Advocate
for respondent No.2-Insurance Company.

PANKAJ JAIN, J.

Claimants are in appeal seeking enhancement of compensation on account of death of Ashok Kumar in a motor vehicular accident dated 24.12.2007. In a claim petition filed under Section 163-A of the Motor Vehicles Act, the Motor Accidents Claim Tribunal, Sirsa (hereinafter referred to as 'Tribunal') vide its order dated 01.09.2009 awarded compensation amounting to Rs.4,65,800/- alongwith interest @ 8% per annum from the date of filing of the claim petition till the realization of the amount.

2. Since the scope of the appeal is confined to enhancement of compensation, the facts w.r.t. accident are not in much dispute. The Tribunal found that the deceased was 37 years of age at the time of death and assessed his income @ Rs.3,200/- per month.

3. Counsel for the claimants relies upon '*Kurvan Ansari alias Kurvan Ali & another vs. Shyam Kishore Murmu & another*' reported as *2022 (1) SCC 317* to claim filial consortium and enhancement in funeral expenses for which a meagre amount of Rs.5,000/- has been awarded.

4. Counsel for the respondents are not in a position to dispute the dictum of law laid down in *Kurvan Ansari alias Kurvan Ali's* case (supra). Accordingly, the claimants are awarded Rs.40,000/- each on account of filial consortium. Compensation awarded for funeral expenses is enhanced from Rs.5,000/- to Rs.15,000/-. Rate of interest awarded by the Tribunal is maintained. Meaning thereby the claimants shall be entitled for interest @ 8% per annum from the date of filing of the claim petition till the date of realization of the amount. Needless to say any amount already paid shall be set of and adjusted.

5. Appeal stands disposed off, accordingly.

6. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

08.08.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No