

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

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**FAO-1091-2018 (O&M)
Date of decision : 13.072022**

National Insurance Co. Ltd.

...Appellant

Versus

Manmohan Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Amit Kumar Goyal, Advocate,
for the appellant.

ANIL KSHETARPAL, J. (ORAL)

The correctness of the award passed by the Motor Accidents Claims Tribunal, Rupnagar, has been assailed by the Insurance Company on the ground that the Tribunal has erred in awarding Rs.1 lakh each for loss of love and affection and consortium. He further submits that amount of Rs.25,000/- awarded towards the transportation and funeral expenses is excessive. It may be noted here that the amount assessed awarded under the other heads is not disputed.

It is evident that Smt. Beant Kaur died in an unfortunate accident on 09.08.2016. She left behind her husband and three children. The Supreme Court has held that each claimant is entitled to Rs.40,000/- for the loss of consortium either spouses or parental, which are noted as under :-

1. New India Assurance Company Limited vs. Somwati and others, (2020) I Supreme Court Cases 644

2. Magma General Insurance Company Ltd. Vs. Nanu Ram Alias Chuhru Ram and others, (2018) 18 Supreme Court Cases, 644

Keeping in view the aforesaid facts, the total amount of loss of consortium comes to Rs.1,60,000/- as there are four claimants.

Under the conventional heads, the claimants are entitled to Rs.15,000/- towards the loss of estate and also to the amount of Rs.15,000/- towards the funeral expenses.

Keeping in view the aforesaid facts, the amount of compensation shall be reduced by Rs.35,000/-

Disposed of.

13.072022
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(ANIL KSHETARPAL)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No