

[230] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5566-2019(O&M)
Date of Decision :17.03.2023

Nafeesa and others ...Appellants

versus

Karamvir and othersRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Wazir Singh, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for respondent No.3/Ins. Co.

B.S. Walia, J. (Oral)

CM-18608-CII-2019

For the reasons as are mentioned in the application, the same is allowed. Delay of 04 days' delay in late filing of the appeal is condoned.

FAO-5566-2019

[1] Prayer in the appeal is for enhancement of compensation awarded by the learned Motor Accidents Claim Tribunal Karnal to the appellants claimants on account of death of Tarikhat i.e. husband of appellant No. 1, father of minor appellant Nos. 2-5 and son of appellant Nos. 6 & 7. Learned counsel contends that despite the entitlement of the widow, mother, father and four minor children of the deceased to Rs.40,000/- each on account of loss of spousal, filial and parental consortium respectively, only Rs.40,000/- was awarded as loss of spousal consortium to the widow of the deceased.

[2] Notice of motion to respondent No.3 only.

appearance on behalf of respondent No.3, and states that since the claim of the appellants is restricted to award of compensation on account of loss of consortium only to the widow, parents and four minor children of the deceased in view of the decision of Hon'ble the Supreme Court in '**Magma General Insurance Co. Ltd. versus Nanu Ram Alias Chuhru Ram**', 2018 (4) RCR (Civil) 333, he does not oppose the claim.

[4] A perusal of the Award reveals that total compensation of Rs.17,83,600/- was awarded to the appellants-claimants along with interest @ 7.5% per annum with effect from the date of institution of the claim petition till date of payment including Rs.40,000/- on account of loss of spousal consortium, Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

[5] Learned counsel contends that the sole grievance of the appellants is that as against the entitlement of each of the claimants to compensation of Rs.40,000/- on account of loss of spousal, filial and parental consortium, only Rs.40,000/- was awarded as loss of spousal consortium to the widow, therefore, each of the appellants are entitled to award of Rs. 40,000/- on account of loss of consortium.

[6] As has been noticed above, learned counsel for respondent No.3/Insurance Company has not disputed the aforementioned claim. Accordingly, in view of the position noted above, as well as the decision of Hon'ble the Supreme Court in '**Magma General Insurance Co. Ltd.**'s case (supra) and '**Pranay Sethi and others's** case (supra), the appeal is allowed, award is modified and as against Rs. 40,000/- awarded on account of loss of spousal consortium to the widow of the deceased, each of the seven appellants / claimants are held entitled to award of

respectively. Accordingly, as against total compensation of Rs.17,83,600/- awarded to the appellants-claimants along with interest @ 7.5% per annum the appellants / claimants are held entitled to compensation of Rs. 20, 23, 600/- along with interest @ 7.5% per annum in accordance with the decision in ‘Magma General Insurance Co. Ltd.’s case (supra).

(B.S. Walia)
Judge

17.03.2023
'Rajneesh'

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