

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

FAO-193-2020 (O&M)

Date of decision: 19.01.2023

Aarti and others

...Appellants

Versus

Shokin Khan and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Wazir Singh, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent No.3.

H.S. MADAAN, J. (Oral)

Briefly stated facts of the case are that on account of death of Kamdev in a motor vehicular accident, which took place on 05.02.2018 at about 07.30 pm in the area of Khalila Road, Samalkha, District Panipat, statedly on account of rash and negligent driving of Maruti Dzire car bearing No.HR-06-AP-0260 by respondent No.1 Shokin Khan, legal representatives of such deceased namely his widow Aarti, major son Rakesh and minor son Roshan had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation, against driver, owner and insurance company of the car in question.

After contest, the claim petition was accepted by Motor Accidents Claims Tribunal, Panipat, vide award dated 16.09.2019 and compensation of Rs.14,97,490/- with interest @ 7.5% p.a., from the date of filing of petition till actual realization was awarded to the claimants

payable by all the respondents jointly and severally.

However, feeling dissatisfied with the quantum of compensation awarded, the claimants have approached this Court by way of filing of the present appeal seeking enhancement of compensation so awarded. Notice of the appeal was given to the respondent No.3- insurance company and it has put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The main thrust of argument by learned counsel for the appellant is that all the claimants are entitled to get Rs.44,000/- under the head loss of consortium in terms of judgment **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram & Ors., 2018 (4) RCR (Civil) 333**, however, the tribunal has awarded a sum of Rs.40,000/- on that account to claimant No.1 Aarti, widow of the deceased only, whereas, compensation of Rs.15,000/- each under the head funeral expenses and loss of estate has been awarded without 10% increase in terms of judgment **National Insurance Company Limited Versus Pranay Sethi and Ors., 2017(4) RCR(Civil)1009**.

Learned counsel for insurance company in all fairness has conceded such legal position.

Accordingly, the appeal is partly accepted and compensation awarded by the tribunal is enhanced by Rs.95,000/- payable to the claimants by respondents No.1 to 3 jointly and severally along with interest @ 7.5% p.a., on additional compensation from the date of filing of claim petition till actual realization. This enhanced amount would be

apportioned inasmuch as the widow/appellant No.1 would get a sum of Rs.5000/- and other claimants would get Rs.45,000/- each. The mode and manner of payment and the apportionment amongst the claimants shall remain the same as directed by the tribunal in the original award.

19.01.2023

(H.S. MADAAN)
JUDGE

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No