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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2526-2015 (O&M)
Date of decision : 22.02.2024

Jaspal Singh and Another ... Appellant(s)

Versus

Malkiat Singh and Others ...Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vipul Sharma, Advocate for
Mr. Ashwani Arora, Advocate for the appellants.
Mr. Amrinder Singh Sidhu, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, SAS Nagar (Mohali) vide award dated 01.12.2014 passed in a petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act').
2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Annual Income	Rs.39,600/-
2	Deduction 1/3rd	[Rs.39,600-13,200]=Rs.26,400/-
3	Multiplier - 18	[Rs.26,400x18]=Rs.4,75,200/-
4	Funeral expenses	Rs.2,000/-
5	Loss of consortium	Rs.5,000/-
6	Pains and sufferings	Rs.5,000/-
7	Medical Expenses	Rs.2,49,592/-
8	Total Compensation	Rs.7,36,792/- (rounded off to Rs.7,36,800/-)
	Interest	6% per annum

4. Learned counsel for the claimant-appellants would contend that the only grouse of the claimant-appellants is qua the amount awarded towards funeral expenses as well as under the head ‘loss of consortium’. Learned counsel for the claimant-appellants would further contend that even in a petition filed under Section 163-A of the Act, the Hon’ble Supreme Court has awarded consortium as well as funeral expenses to the claimants therein. In support of his contention the learned counsel for the claimant-appellants has relied upon the judgment in the case of **Kurvan Ansari & Anr. vs. Shyam Kishore Murmu & Anr. [2022 ACJ 166]**.

5. *Per contra*, the learned counsel for respondent No.3 has contended that already sufficient amount stands awarded and that there is no scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. In the case of **Kurvan Ansari** (supra), the Hon’ble Supreme Court in a claim petition under Section 163-A of the Act, awarded the

amount under the head ‘loss of consortium’ as well as towards funeral expenses of Rs.15,000/- to the parents therein. Keeping in view the said judgment, the claimant-appellants (daughter and husband of the deceased) would be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium as well as Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual Income	Rs.39,600/-
2	Deduction 1/3rd	[Rs.39,600-13,200] = Rs.26,400/-
3	Multiplier - 18	[Rs.26,400x18] = Rs.4,75,200/-
4	Pains and sufferings	Rs.5,000/-
5	Medical Expenses	Rs.2,49,592/-
6	Funeral expenses	Rs.18,000/-
7	Loss of consortium (i) Parental (ii) Spousal	Rs.48,000/- Rs.48,000/-
8	Total compensation	Rs.8,43,792/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

9. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

22.02.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO