

(2016) 01 P&H CK 0347
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 4275 of 2014 (O&M).

Krishna and Others

APPELLANT

Vs

Rajneesh and Others

RESPONDENT

Date of Decision : 15-01-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 166, 173

Citation : (2016) 2 PLR 501

Hon'ble Judges : Darshan Singh, J.

Bench : Single Bench

Advocate : J.P. Sharma, Advocate, for the Appellant; None for the Respondent, for the Respondent

Final Decision : Dismissed

Judgement

Darshan Singh, J. - CM-12385-CII-2014

1. There is delay of 23 days in filing the present appeal. The appellants have filed an application under Section 5 of the Limitation Act for condonation of delay.
2. Heard on the application.
3. In view of the reasons mentioned in the application, same is allowed.

FAO No.4275 of 2014

1. The present appeal has been preferred against the award dated 23.09.2013 passed by learned Motor Accidents Claims Tribunal, Narnaul (hereinafter called the Tribunal), vide which the claim petition filed by the appellants-claimants has been partly allowed and a compensation to the tune of Rs. 8,72,000/- has been awarded on account of death of Suresh Kumar in the motor vehicle accident which took place on 06.03.2012.
2. The present appeal has been preferred by the claimants for enhancement of the amount of compensation.

3. Learned counsel for the appellants contended that the learned Tribunal has applied the wrong multiplier. He has awarded the less amount towards loss of consortium.

4. I have duly considered the aforesaid contentions.

5. I do not find any substance in the contentions raised by learned counsel for the appellant. As per the document Ex.PW1/O the date of birth of deceased was 30.12.1956. This accident has taken place on 12.03.2012. At that time the age of the deceased was between 55 to 56 years. The learned Tribunal has applied the multiplier of 9 which is just and appropriate keeping in view the age of the deceased.

6. The deceased was about 56 years of age. The learned Tribunal has awarded an amount of Rs. 30,000/- for loss of consortium. Certainly the age of the deceased is also a determining factor for the amount of compensation towards loss of consortium. In case the deceased would be a young and would have many years to give company to the spouse, the loss of consortium may be more. Where the deceased is in advance age, the loss of consortium will be comparatively less. So, I do not find any infirmity in the compensation awarded by the learned Tribunal for the loss of consortium. Thus, the amount of compensation determined by the learned Tribunal is just and appropriate.

7. Consequently, the present appeal has no merits and the same is dismissed.