

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

FAO No.1141 of 2012

Date of decision: 6th February, 2015

Manpreet Kaur and others

... Appellants

Versus

Davinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Jagdeep S. Virk, Advocate
for the appellants.

Respondent No.1 – ex parte.

Mr. Pardeep Goyal, Advocate – Standing Counsel
for respondent No.2.

Respondents No.3 & 4 – service dispensed with.

FATEH DEEP SINGH, J.

The appellant/claimants were awarded ₹4,73,000 as compensation through the impugned Award dated 02.09.2011 by the learned Motor Accident Claims Tribunal, Karnal. Aggrieved and dissatisfied, they have sought enhancement of the same.

Heard Mr. Jagdeep S. Virk, Advocate for the appellants;
Mr. Pardeep Goyal, Advocate for the insurer/respondent No.2 and
perused the records.

Findings of learned Tribunal as to the manner of the accident by way of issue No.1, whereby it has been held that the deceased Rajinder Kaur died in a motor vehicular accident due to rash and negligent driving on account of the fault of Davinder Singh owner-cum-driver of the Honda Activa scooter bearing registration No.HR-05Q-6041 which have never been assailed and has attained finality.

The learned Tribunal while adjudicating the very quantum of compensation by way of issue No.6 has drawn the conclusions that deceased Rajinder Kaur was a housewife as nothing tangible has come by way of cogent and reliable evidence to show her earnings otherwise. Considering her role even as a housewife, the learned Tribunal has taken multifarious services rendered by the housewife for the entire family and valued it to be ₹3,000 per month and by placing reliance on '**Sarla Verma & others v. Delhi Transport Corporation & another**' reported in **2009(6) SCC 121**, has applied multiplier of 13 considering the age of the deceased to be 49 years. The learned counsel for the appellants could not impress upon this Court how the same was not commensurate with the settled position of law having regard to the socio-economic status, relative ages of the children of the deceased and that the father of the children is very much alive and he is also their source of dependency and thus, nothing can be found fault with the findings returned and has rightly awarded compensation by allowing expenses on last rites and ceremonies and since the claim is against the husband and therefore, nothing else needs to be

awarded and the amount of ₹4,73,000 is certainly just and reasonable amount and could not be found fault with.

In view of these discussions, the impugned Award is totally justified and the instant appeal being hopelessly without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 6, 2015
rps