

**392-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-210-1993

Date of decision: 27.04.2016

Rakesh Gautam and others

...Appellant(s)

Versus

Haryana Roadways and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Nitin Goyal, Advocate for
 Mr. Sanjiv Gupta, Advocate,
 for the appellant(s).

Mr. Saurabh Mohanta, DAG, Haryana.

JITENDRA CHAUHAN, J.

This appeal is directed against the award dated 19.10.1992, passed by Motor Accidents Claims Tribunal, Chandigarh (for short 'The Tribunal') vide which compensation of Rs. 48,000/- was awarded to the claimants in MA claim petition No. 25 of 1991. By filing the present appeal, the claimants are seeking enhancement of the compensation.

On 06.12.1990, Satya Devi (deceased) died in a motor vehicular accident. Her son and two daughters filed claim application under Section 166 of the Motor Vehicles Act, 1988 before the Tribunal. It was claimed that the deceased was doing work of tailoring and earning Rs. 2,000/- per month.

After appraisal of the evidence, the Tribunal assessed the income of the deceased as Rs. 600/- per month considering her to be a housewife. Deduction of $1/3^{\text{rd}}$ was made and the loss of dependency was assessed as Rs. 400/- per month. Considering the age of the deceased as 54 years, the multiplier of 10 was applied and the loss of dependency was assessed at Rs. 48,000/-. The compensation was ordered to be shared in equal proportion.

On behalf of the appellants, it is contended that nothing has been awarded on account of funeral expenses and love and affection. The multiplier applied by the Tribunal is incorrect.

I have heard learned counsel for the parties and have gone through the case file.

In the absence of any evidence qua income of the deceased, her income was assessed as Rs. 600/- per month considering her to be a housewife. Deduction of $1/3^{\text{rd}}$ was rightly made considering the size of the family. However, keeping in view that the deceased was 54 years, the multiplier ought to have been 11 instead of 10 and the loss of dependency is assessed at Rs. 52,800/-. Further, a sum of Rs. 5,000/- is awarded towards funeral expenses. Another sum of Rs. 25,000/- is awarded towards loss of love and affection. In this manner, the claimants are held entitled to receive total amount of Rs. 82,800/-.

In view of the above, this appeal is partly allowed and the claimants are held entitled to the enhanced compensation of Rs.

34,800/-, as indicated above, over and above the amount already

awarded by the learned Tribunal, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, they shall also be entitled to interest @ 7.5% p.a., from the date of filing the present appeal, till its realization.

27.04.2016
SN

(JITENDRA CHAUHAN)
JUDGE