

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

**FAO No.338 of 1995
Date of decision : 06.01.2016**

Ram Kishan

.....Appellant

Versus

Balwant Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Hemant Bassi, Advocate for appellant.

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

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 10.09.1994, passed by learned Motor Accidents Claims Tribunal, Hisar (hereinafter referred to as 'the Tribunal') vide which the compensation to the tune of ₹ 65,000/- has been granted to the appellant on account of death of Smt. Meera Devi, the wife of the appellant in the motor vehicular accident, which took place on 12.07.1992.

2. It was pleaded that deceased Smt. Meera Devi was doing tailoring work and was earning ₹ 4000/- per month. She was 30 years of age at the time of the accident.

3. Learned counsel for the appellant contended that learned Tribunal has awarded a total compensation of ₹ 65,000/- in lump sum. He has not applied any yardstick to compute the compensation. Even in case of a house-wife, some notional income is to be taken and the multiplier has to be applied.

4. Learned counsel for the respondent-Insurance Company has not disputed the aforesaid factual and legal position.

5. The perusal of the impugned award dated 10.09.1994 shows that learned Tribunal has awarded ₹ 65,000/- in lump sum as compensation on account of death of Smt. Meera Devi, wife of the appellant. I find substance in the contentions raised by learned counsel for the appellant that the Tribunal should have taken the notional income of the deceased even by treating her as a house-wife and then the multiplier should have been applied. In order to take the notional income of the deceased, we have to take into consideration the year of the accident. This accident has taken place on 12.07.1992 i.e. more than 23 years back. So, ₹ 2000/- per month i.e. ₹ 24,000/- per annum is taken as notional income of deceased Smt. Meera Devi. Keeping in view the age of the deceased, the multiplier of 17 shall be applicable and the multiplicand comes to ₹4,08,000/-. The appellant shall be further entitled to a sum of ₹ 25,000/- towards loss of consortium. So, a total amount of compensation comes to ₹ 4,33,000/-. The appellant was already awarded the compensation of ₹ 65,000/- by the learned Tribunal, so the compensation to the tune of ₹ 3,68,000/- is hereby enhanced.

6. Thus, keeping in view my aforesaid discussion, the

compensation already awarded is therefore enhanced by ₹ 3,68,000/- making the total awarded amount as ₹ 4,33,000/-. The enhanced amount shall be deposited/paid by the respondent-Insurance Company to the appellant within 60 days from today, failing which the appellant shall be entitled to interest on the enhanced amount @ of 7.5 % per annum from the date of petition till realisation.

7. The present appeal stands allowed accordingly.

06.01.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**