

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

FAO No. 4428 of 2001 (O&M)

Date of decision: 21.03.2016

Pala Ram and others

... Appellants

versus

Tahseem Khan and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Neha Rathi, Advocate for the appellants.

S.S. Nara, Advocate for respondent No.1.

Mr. Tushar Gautam, Advocate for

Mr. Sudhir Hooda, Advocate for respondent No.2.

Mr. Nancy Gupta, Advocate for

Mr. R.S. Grewal, Advocate for respondent Nos. 4 & 5.

Mr. Vinod Chaudhary, Advocate, for respondent No.6.

K.Kannan, J. (ORAL)

The appeal is for enhancement of compensation for death of a housewife aged 30 years in a motor accident that took place on 05.08.1997. The claimants are husband and children. The Court provided for a modest compensation of Rs. 1,92,000/- and the appeal seeks of reappraisal by applying the scales of compensation as regards the choice of multiplier in the manner provided in Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77 and provided for loss of consortium to the husband and loss of love and affection for the children in the manner that is being awarded in recent decisions starting from Rajesh and others Vs. Rajbir Singh and others, 2013 (9) SCC 54. Since the claimant was a housewife, the principle also is that the value of services of the wife must be properly provided which shall not suffer

any deduction for no part of such services could be subjected to any deduction.

Considering the fact that the accident was even before the year 2000, I will take the value of services of housewife to the family at Rs. 2,000/- keeping in view the principles laid down by the Hon'ble Supreme Court in Arun Kumar Agrawal Vs. National Insurance Company, 2010 (9) SCC 218 and there is a loss of contribution to the family at 2000 x 12 x 17. I have also taken note of the fact that in Jitendra Khimshankar Trivedi and others Vs. Kasam Daud Kumbhar and others 2015 (4) SCC 237 that for a relatively recent judgment, the court was factoring the contribution to the family at Rs. 3,000/- for housewife. The provisions that I have made will obtain appropriate escalation for the provision for interest is literally for about 18 to 19 years.

I will also provide for provision for love and affection and consortium at Rs. 50,000/- which again is relatively low than the amount which is awarded in some of the recent decisions by taking note of the fact that provision for interest can more than compensate for the amount which is relatively lower. The several heads of claim are tabulated as under:

<u>Fatal</u>	Date of accident	05.08.1997	
Age	30		
Occupation	House wife		
Claimants	Husband, children (3)		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income		2,000/-
2.	Add, % of increase, 30%/50%		

3.	Deduction, 1/2, 1/3, 1/4,		
4.	Multiplicand		
5.	Multiplier		
6.	Loss of dependence		4,08,000/-
7.	Medical Expenses		
8.	Loss of Consortium		,50,000/-
9.	Loss of love and affection (for 3 children		1,50,000/-
10.	Loss to estate		2,500/-
11.	Funeral Expenses		5,000/-
	Total	1,92,000/-	6,15,500/-

The aggregate of compensation shall be Rs. 6,15,000/- and additional compensation awarded already shall attract interest at 7.5% from the date of the petition till the date of payment. All the minor claimants must have attained majority by now. The amount awarded shall be equally distributed amongst the claimants. The liability shall be on the 2nd and 6th respondents.

(K.KANNAN)
JUDGE

21.03.2016

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