

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 6605 of 2012 (O&M)

Date of decision : May 09, 2016

Sukhdev Raj and others,

..... Appellants

v.

Mangat Ram and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Seema Pasricha, Advocate
for the appellants.

Mr. PS Miglani, Advocate
for respondent No.1.

Mr. Rajesh Kumar, Advocate
for respondent No.2.

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

Ajay Tewari, J (Oral)

This appeal has been filed by the claimants for enhancement of compensation. Brief facts are that on 19.11.2008 at about 10 am, when the deceased-Sunita Rani and Prem Rani were waiting for a vehicle on one side of the GT road on Kali Sadak, Ludhiana, the offending vehicle, which was coming from Jalandhar bye-pass side and was being driven by respondent No.1, hit the deceased-Sunita Rani and crushed her legs, and later on she died. The Tribunal held respondent No.1 responsible for causing the accident. Monthly income of the deceased was assessed as ₹ 6000/-

including ₹ 1,000/- which she was earning from her business of STD/PCO, and after deducting 1/4th as personal expenses and applying the multiplier of 14, total compensation came to be ₹ 7,56,000/-. Besides this, ₹ 5,000/- for loss of estate, ₹ 5,000/- for funeral expenses and ₹ 10,000/- towards loss of consortium were awarded.

Counsel for the appellants has argued that the Tribunal erred in assessing the monthly income of the deceased. She was house wife and was also running the business of STD/PCO. I find this argument to be correct. In FAO No.218 of 2014, United India Insurance Co. Ltd v. Sube Singh and others, decided on 15.01.2014, this Court held as follows :-

“ Learned counsel for the appellant has argued that even while noticing that the income of a skilled worker in 2012 was approximately ₹ 8000/-, the Tribunal has wrongly assessed the income of the deceased as ₹ 9,000/-. As per him once the notional income had been taken, a deduction had to be made for personal expenses. This argument is flawed. In **Lata Wadhwa and others v. State of Bihar and others**, reported as 2001(4) RCR (Civil) 673 (where the accident had taken place in 1981) the Hon'ble Supreme Court evaluated the contribution of a house wife at ₹ 3000/- per month. The accident in the present case took place after 23 years. In my considered opinion to tag a house wife as a 'skilled worker' alone does not do complete justice to her multifarious role as a home manager. Keeping in view the lapse of 23 years between the accident in the case of Lata Wadhwa and the present accident and my conclusion that a house wife is something more than a mere skilled worker it would not be unreasonable to estimate the contribution of the deceased in the present case at a higher figure. On the whole I see no reason for reducing the quantum.”

In view of the above, I take the monthly income of the deceased as ₹ 9,000/-.

Counsel for the appellants further states that only a sum of ₹ 10,000/- has been awarded as consortium. I find it to be correct and consequently award a sum of ₹ 90,000/- more on this account to appellant

No.1. It has been further argued that nothing has been awarded on account of loss of love and affection. I find this also to be correct and award ₹ 1 lac to appellant No.1 and ₹ 50,000/- each to the children i.e appellants No.2 to 4 for loss of love and affection. I also award a sum of ₹ 10,000/- more as funeral expenses. The enhanced amount would carry interest @ 8% pa from the date of application till the date of payment. It is made clear that apart from the individual amounts granted, the entire enhanced amount would be given to appellant No.1.

The appeal stands disposed of.

(AJAY TEWARI)
JUDGE

May 09, 2016
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