

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

FAO-3681-2013

Date of decision: 8.2.2016

Ram Aasre and others

...Appellants

Versus

Bimal Anurag Barla and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Mayur Kanwar, Advocate for
Mr.Vivek Suri, Advocate for the appellants

Mr.Vipul Sharma, Advocate for
Mr.Paul S.Saini, Advocate for Insurance Company

SNEH PRASHAR, J.

By filing the present appeal against the award dated 2.4.2013 passed by learned Motor Accident Claims Tribunal, Panchkula, the claimants-appellants have sought enhancement of the compensation awarded to them on account of death of Kalawati in a road side accident.

The submissions made by Mr.Mayur Kanwar, Advocate representing the appellants and Mr.Vipul Sharma, Advocate for the Insurance Company have been heard and record perused.

It is submitted on behalf of the claimants-appellants that the deceased being a house wife, her contribution towards the

household affairs had been taken as Rs.50,000/- per annum, whereas it should have been atleast Rs.72,000/- per annum. The amount awarded towards loss of love and affection, funeral expenses and loss of consortium is also inadequate.

There is no dispute regarding the accidental death of Kalawati. As per her voter card, she was 46 years of age and was a house wife. There being no substantive evidence on record regarding independent income of the deceased, the Tribunal valuing the services rendered by the deceased to the family members has taken the income of the deceased as Rs.50,000/- per annum, which appears just and appropriate. The deceased being a housewife, no deduction towards her personal expenses was made. The multiplier of 13 has been rightly applied in view of the law laid down in **Sarla Verma and others vs. DTC and another 2009 ACJ 1298.**

Claimant -respondent No.1 is the husband, whereas respondents No.2 and 3 are the minor sons. In view of the law laid down in **Rajesh and others vs. Rajbir and others 2013 (9) SCC 54,** the sum of Rs.10,000/- awarded by learned Tribunal on account of loss of love and affection is enhanced to Rs.One lac. Further a sum of Rs.5,000/- awarded on account of loss of consortium is enhanced to Rs.50,000/- and the amount under the head of funeral and transportation charges is enhanced to Rs.25,000/-.

Accordingly, the enhanced compensation of Rs.1,50,000/-

shall be paid to the claimants-appellants within two months from the date of receipt of the certified copy of this judgment, failing which, it shall carry interest at the rate of 7.5% per annum from the date of filing of the appeal, till its realisation.

The present appeal is partly allowed and the impugned award is modified to the above extent.

8.2.2016
gsv

(SNEH PRASHAR)
JUDGE