

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

**FAO No.5088 of 2013
Date of decision : 28.03.2016**

Suresh Kumar and another

.....Appellants

Versus

Jai 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. Jai Vir Yadav, Advocate for appellants.

Ms. Vandana Malhotra, Advocate and
Mr. Subhash Goyal, Advocate for respondent No.3.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 05.02.2013, passed by learned Motor Accidents Claims Tribunal, Narnaul (hereinafter called the 'Tribunal') vide which the appellants-claimants have been awarded a sum of Rs.50,000/- as compensation on account of death of Smt. Patashi Devi in the motor vehicular accident which took place on 18.06.2011.

2. The present appeal has been filed by the appellants-claimants for enhancement of the amount of compensation.

3. Learned counsel for the appellants-claimants contend that the learned Tribunal has wrongly considered that the appellants were not dependent upon the income of the deceased. He contended that even though the deceased may be a housewife but she was rendering services to the family and compensation should have been calculated as per the value of the services rendered by her to the family. He further contended that no amount has been awarded towards loss of love and affection and less amount has been awarded towards funeral expenses.

4. On the other hand, learned counsel for respondent-Insurance Company contended that both the appellants-claimants are the major sons of the deceased, so they were not dependent upon the income of the deceased. The compensation granted to the appellants-claimants is just and appropriate.

5. I have duly considered the aforesaid contentions.

6. I found considerable substance in the contentions raised by learned counsel for the appellants-claimants. The learned Tribunal has awarded Rs.45,000/- towards loss of love and affection and Rs.5000/- towards funeral expenses, total Rs.50,000/- as compensation on account of death of Smt. Patashi Devi, the mother of the appellants-claimants.

7. It is not necessary that the major sons cannot be dependent upon their parents. Even if Smt.Patashi Devi deceased is considered to be a housewife, she must have been rendering services to the family. So, we have to take into consideration the value of her services rendered to the family as her notional income to compute the compensation. The notional

income of the deceased is taken to be Rs.3000/- per month i.e. Rs.36,000/- per annum. The deceased was 45 years of age at the time of death as per the postmortem report Ex.PA. So, the multiplier of 14 shall be applicable. The multiplicand comes to Rs.5,04,000/- (36,000 x 14). In addition to that, the claimants shall also be entitled to a sum of Rs.1,00,000/- towards loss of love and affection to their mother and Rs.25,000/- towards the funeral expenses. The total amount of compensation payable to the claimants comes to Rs.6,29,000/- (5,04,000 + 1,00,000 + 25,000).

8. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation is enhanced to Rs.6,29,000/- from Rs.50,000/- as awarded by the learned Tribunal. The claimants shall be entitled to interest on the enhanced amount from the date of filing the petition till realisation at the rate as awarded by the learned Tribunal. The liability to pay the enhanced amount shall remain as determined by the learned Tribunal in the main award.

28.03.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**