

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

**FAO No. 5371 of 2013(O&M)**

**Date of decision:27.9.2016**

Jagmohan Singh and others

....Appellants

VERSUS

Balvir Singh and others

.....Respondents

**CORAM:**    **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present:     Mr. Lalit Garg, Advocate for the appellants.

                 Mr. G.S Turka, Advocate for respondents No.1 and 5.

                 Mr. M.B. Jain, Advocate for respondent No.4.

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**REKHA MITTAL, J.**

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Patiala (in short 'the Tribunal') in regard to death of Kulwant Kaur in a motor vehicular accident that occurred on 01.09.2011 but the deceased passed away on 18.09.2011.

Jagmohan Singh and Surinder Singh, the claimants are the adult sons of Kulwant Kaur and they have been awarded compensation to the tune of Rs.1,03,700/- i.e. Rs.1,00,000/- for loss of love and affection and Rs.3,700/- for medical expenses.

Counsel for the appellants would contend that the Tribunal committed a gross error rather illegality due to its failure to assess compensation by considering value of services of the deceased and adopting a suitable multiplier. It is further argued that compensation for medical expenses needs addition as bill Ex.P16 has not been taken into

consideration. Another submission made by counsel is that compensation qua expenses on special diet may be allowed.

Counsel for the insurance company has supported the award passed by the Tribunal with the submission that the claimants are more than 30 years old and had their independent source of income. They have been rightly allowed compensation only qua loss of love and affection.

I have heard counsel for the parties, perused the paper-book particularly the award passed by the Tribunal.

As per case of the claimants, the deceased was 58 years old and was residing with her son Surender Singh. In the post- mortem report, she is stated to be 60 years old. There is nothing on record suggestive of the fact that the deceased was suffering from any ailment rendering her unable to work and help the family in looking after domestic chores, providing guidance, care, love and affection to her children. However, plea of the claimants that the deceased was carrying on a commercial activity like sale of bed-sheets etc. and earning Rs.15,000/- per month does not find corroboration from any independent source much less documentary evidence. Under the circumstances, value of services of the deceased is assessed at Rs.3,000/- per month. After allowing a multiplier of 9, compensation payable to the claimants comes to Rs.3,24,000/- (Rs.3000/- x 12 x 9). The compensation assessed by this Court would include an amount of Rs.1,00,000/- awarded by the Tribunal for loss of love and affection.

So far as the compensation with regard to medical expenses, the Tribunal has rightly allowed reimbursement of three bills Ex.P12 to P14 as the claimants have already been given benefit/reimbursement of Ex.P15 by the Army Authorities as deposited by Parmod Kumar RW-1.

The claim with regard to reimbursement of bill Ex.P16 dated 10.10.2010 is not tenable as the occurrence in question took place on 01.09.2011 and the victim died on 18.09.2011. That being so, the Tribunal has rightly ignored document Ex.P16. With regard to claim of special diet, there is no evidence that the deceased was being provided with any special diet on which expenses were incurred by the claimants.

No other point has been raised.

In view of the above, the appellants shall be entitled to total compensation of Rs.3,27,700/- [Rs.3,24,000/- + Rs.3,700/- (medical expenses)] and the enhanced compensation is Rs.2,24,000/- [Rs.3,27,700/- - Rs.1,03,700/-], payable with interest at the rate of 7.5% per annum from the date of petition till realization, to be shared by the claimants in equal share.

The appeal is partly allowed in the aforesaid terms.

**SEPTEMBER 27, 2016**

‘D. Gulati’

**(REKHA MITTAL)**

**JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no