

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

**FAO No.5207 of 2014 (O&M).
Date of Decision: 25.04.2016.**

Nagar Singh and others

....Appellants.

VERSUS

Harcharan Singh and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Deepak Bhardwaj, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent No.2.

SNEH PRASHAR, J.

By way of this appeal, appellants-Nagar Singh and others seek enhancement of compensation awarded to them by learned Motor Accident Claims Tribunal, Rupnagar (for short, "the Tribunal") vide award dated 15.11.2013 passed in MACT Case No.1719 of 21.03.2013 on account of death of Kuldeep Kaur (wife of appellant No.1 and mother of appellants No.2 to 4) in a vehicular accident on 07.11.2012.

The submissions made by Mr. Deepak Bhardwaj, learned counsel for the appellants and Mr. Lalit Garg, learned counsel for respondent No.2 have been heard and record perused.

Learned counsel for the appellants argued that the deceased by

running dairy business and doing stitching work was earning Rs.26,000/- per month but learned Tribunal wrongly assessed her income as Rs.3000/- per month and then arbitrarily deducted 1/4th of the income towards personal and living expenses of the deceased without considering the fact that the deceased was a married lady and her husband and children were the claimants and no deduction towards personal and living expenses of the deceased was called for while taking the value of services of the deceased as a housewife. To support his argument, he relied upon **Paramjit Singh and another vs. Dilbagh Singh alias Bagga and others, 2014(4) RCR (Civil) 895.** Learned counsel further contended that no amount was added to the income of the deceased computing future prospects and learned Tribunal applied the multiplier of '16' whereas multiplier of '17' is applicable. The amount awarded as funeral expenses and loss of consortium is on the lower side. Also no amount was awarded to the appellants for loss of love and affection.

No substantive and reliable evidence could be produced by the appellants to prove the income of the deceased. Deceased Kuldeep Kaur was taken to be a housewife by learned Tribunal and her notional income was assessed as Rs.3000/- per month i.e. Rs.36,000/- per annum which is appropriate. No amount is required to be added to the income of the deceased computing future prospects. However, learned Tribunal erred in deducting 1/4th of the income of the deceased towards her personal and living expenses which needs modification as in **Paramjit Singh and another's** case (supra) Hon'ble Apex Court has held that while calculating

the notional income a housewife, the entire income should be taken as dependency of the legal heirs without applying any cut. The deceased being 35 years aged at the time of accident, multiplier of '16' was rightly applied by learned Tribunal. Accordingly, the compensation payable to the appellants-claimants towards dependency comes to Rs.5,76,000/-.

The amount awarded towards funeral expenses and loss of consortium is certainly on the lower side. The amount of Rs.5000/- awarded to the appellants as funeral expenses is enhanced to Rs.25,000/-. The amount of Rs.10,000/- awarded as loss of consortium to appellant-claimant No.1 is enhanced to Rs.1,00,000/-. A further amount of Rs.1,00,000/- is awarded to appellants-claimants No.2 to 4 for loss of love and affection.

Accordingly, the appeal filed by the appellants-claimants is partly allowed and the award dated 15.11.2013 passed by learned Tribunal is modified. The enhanced compensation of Rs.3,54,000/- shall be deposited by the respondents within 45 days from the date of receipt of certified copy of this judgment failing which the appellants-claimants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing the appeal till realization. The amount of compensation will be disbursed to the appellants in terms of shares/ conditions incorporated in the award of the Tribunal.

(SNEH PRASHAR)
JUDGE

25.04.2016.
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