

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

**FAO No.6309 of 2013
Decided on: 31.08.2016**

Ranjeet Singh and others

....Appellants

Versus

Deepak and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Gurbachan Singh, Advocate
for Mr. Kamlesh Khatri, Advocate
for respondents No.1 and 2.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3.

REKHA MITTAL, J.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Sonapat (for brevity 'the Tribunal') in regard to death of Sushma in a motor vehicular accident that took place on 11.09.2012.

The Tribunal assessed income of the deceased from business of beauty parlour at Rs.4,000/- per month and Rs.2,000/- per month for managing the household affairs, 1/4th was deducted towards personal expenses and after adopting a multiplier of 16, loss of dependency has been computed to the tune of Rs.8,64,000/-. In addition, the claimants were awarded Rs.10,000/- towards consortium and Rs.5,000/- for funeral expenses making total compensation to the tune of Rs.8,79,000/-.

To prove that Sushma was running a beauty parlour at

village Shersa, Ranjeet Singh, husband of the deceased tendered into evidence his duly sworn affidavit Ex.PW-1/A and the claimants examined Sunita – PW2. The learned Tribunal has accepted the plea that the deceased was running a beauty parlour. However, there is no documentary evidence on record to prove income of the deceased much less to substantiate plea of the claimants that the deceased was earning Rs.20,000/- per month. The deceased was running a beauty parlour in a village. Taking a reasonable view on the basis of evidence on record, income of the deceased from business is assessed at Rs.6,000/- per month. As the deceased had been looking after a family consisting of her husband and three children, value of her services as a housemaker is assessed at Rs.5,000/- per month by taking into consideration that she must be spending some time in looking after her business. After deducting 1/4th towards personal expenses from business income, income available for loss of dependency comes to Rs.9,500/-. The learned Tribunal has rightly adopted multiplier of 16 as the deceased was 35 years' old. After applying multiplier of 16, loss of dependency comes to **Rs.18,24,000/-** (Rs.9,500/- x 12 x 16).

Ranjeet Singh, husband of the deceased shall be entitled to an amount of **Rs.1,00,000/-** for loss of consortium, the minor children Priyanka Mann, Yogesh Mann and Sahil Mann are awarded an amount of **Rs.2,25,000/-** in equal share for loss of love and affection. The claimants shall be entitled to an amount of **Rs.25,000/-** for expenses on funeral. In this manner, total compensation payable to the claimants comes to **Rs.21,74,000/-**. The enhanced compensation comes to **Rs.12,95,000/-** (Rs.21,74,000/- – Rs.8,79,000/-) payable with interest

@ 7.5% per annum from the date of filing of the petition till realization.

The enhanced compensation shall be payable to minor children of the deceased in equal share and deposited in the shape of FDR in a nationalized bank for a period of three years or till they attain the age of majority whichever is later.

31.08.2016
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No