

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

**FAO No.7579 of 2015 (O&M)
Decided on: 26.10.2016**

Om Parkash

....Appellant

Versus

Jagdish and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Rohit Rana, Advocate
for Mr. Kunal Dawar, Advocate
for the appellant.

REKHA MITTAL, J. (Oral)

CM No.23951-52-CII of 2015

Prayer in these applications is for condoning delay of 37 days in re-filing and 02 days in filing the appeal.

Heard.

In view of averments made in the applications supported by an affidavit, the applications are allowed and delay of 37 days in re-filing the appeal and 02 days in filing the appeal stands condoned.

FAO No.7579 of 2015

Om Parkash, the registered owner of offending vehicle, tractor No.HR-51-AQ-4279 is in appeal to assail the award dated 03.04.2015 passed by the Motor Accidents Claims Tribunal, Faridabad whereby Jagdish and others have been awarded compensation in regard to death of Raj Bala in a motor vehicular accident that took place on 30.06.2013.

Counsel for the appellants has challenged the award quantum of compensation assessed by the Tribunal. It is argued that the

Tribunal has assessed value of services of the deceased at Rs.6,000/- per month and the same is on higher side. The multiplier adopted by the Tribunal is not in consonance with the judgment of Hon'ble the Supreme Court of India ***“Smt. Sarla Verma and others vs. Delhi Transport Corporation and another”***, 2009(3) R.C.R. (Civil) 77.

I have heard counsel for the appellant, perused the paperbook particularly the award passed by the Tribunal and find that the appeal is devoid of merit and deserves to be dismissed.

The deceased left behind a family consisting of her husband and three children, claimants in the application for compensation. Hon'ble the Supreme Court of India in ***“Lata Wadhwa and others vs State of Bihar and others”***, 2001(4) RCR (Civil) 673, considered value of services of the deceased – housewife at Rs.3,000/- per month in a case of 1989. In view of rise in price index coupled with multifarious duties to be discharged by a house-maker, assessment of income at Rs.6,000/- per month, by no means, can be termed to be excessive requiring intervention. As the deceased was about 44-45 years old, the Tribunal has rightly applied multiplier of 14 as has been laid down in ***Sarla Verma's case (supra)***. In this view of the matter, no error much less infirmity in the assessment made by the Tribunal can be seen.

For the foregoing reasons, the appeal fails and is accordingly dismissed *in limine*.

26.10.2016
yakub

(REKHA MITTAL)
JUDGE

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