

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

(1) **FAO No. 3674 of 2012 (O&M)**
Date of Decision: 16.05.2017

Hardit Singh and others Appellants

Versus

Ranjit Kaur and others Respondents

AND

(2) **FAO No. 3675 of 2012 (O&M)**

Hardit Singh and others Appellants

Versus

Ranjit Kaur and others Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sushil Saini, Advocate
for the appellants (in both cases).

Mr. Rajnish Malhotra, Advocate and
Ms. Monika Jangra, Advocate
for respondent No. 5-Insurance Company (in both cases).

HARI PAL VERMA, J. (ORAL)

This common order shall dispose of the aforementioned two appeals as the same have arisen out of same occurrence/accident.

Both the appeals have been filed by the appellants-claimants seeking enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Amritsar (in short the 'Tribunal') on account of death of their father-Kulwant Singh (aged about 65 years), as also their mother-Parminder Kaur (aged about 59 years), who died in a motor vehicular accident, which took place on 12.03.2011. The appellants-claimants, namely, Hardit Singh, Sukhbir Singh and Balbir

Singh (appellant Nos. 1 to 3, respectively) are the sons of deceased-Kulwant Singh and Parminder Kaur, whereas appellant No. 4 (Kawaljit Kaur) is the daughter of the deceased.

The appellants-claimants had filed separate claim petitions under Section 163-A of the Motor Vehicles Act for grant of compensation on account of death of their father (Kulwant Singh) and mother (Parminder Kaur). In the claim petition filed to seek compensation on account of death of deceased-Parminder Kaur, who was aged about 59 years, the Tribunal has assessed her income as Rs. 1,500/- per month and, accordingly, while applying multiplier of nine (09), awarded the compensation of Rs. 1,67,000/-, which includes Rs. 5,000/- as funeral expenses ($\text{Rs. } 1500 \times 12 \times 9 + 5000 = \text{Rs. } 1,67,000/-$).

In the separate claim petition i.e. MACT No. 27 of 2011 filed by the claimants-appellants seeking compensation on account of death of their father-Kulwant Singh, who was about 65 years of age, the Tribunal has awarded compensation for a total sum of Rs. 1,25,000/-, including Rs. 5,000/- as funeral expenses.

Learned counsel for the appellants-claimants has argued that so far as the compensation awarded to the appellants-claimants on account their mother-Parminder Kaur is concerned, she was about 59 years of age at the time of accident and her income was assessed as Rs. 1,500/- per month., which is on lower side. The contribution made by the mother to the house is invaluable and cannot be computed in terms of money. The appellants-claimants were the sons and daughter of late

Parminder Kaur, who have been deprived of love and affection. The Tribunal has not awarded the compensation to the claimants as per Second Schedule of the Motor Vehicles Act. While awarding compensation, the Tribunal should have taken into consideration the Second Schedule of the Motor Vehicles Act. The income of the deceased-Parminder Kaur should not be taken less than the income prescribed under the Second Schedule of the Motor Vehicles Act. Therefore, the income of Parminder Kaur should be assessed as Rs. 3,300/- per month and compensation be awarded accordingly.

Similarly, on account of death of appellants' father-Kulwant Singh, who was aged bout 65 years, the Tribunal has awarded a meager amount of compensation of Rs. 1,25,000/-, while assessing dependency at Rs. 2,000/- per month. Thus, the income had not been assessed in terms of the Second Schedule prescribed under the Act.

On the other hand, learned counsel for respondent No. 5 (Insurance Company) has argued that the adequate amount has already been awarded by the Tribunal in both claim petitions filed by the appellants-claimants and, therefore, no case for enhancement of compensation is made out.

I have heard learned counsel for the parties.

So far as the compensation awarded to the appellants-claimants on account of death of their mother-Parminder Kaur is concerned, this Court finds that income of deceased should not have been assessed as Rs. 1,500/- per month, as held in a case of **Arun**

Kumar Agrawal and another Versus National Insurance Company Ltd. and others, 2010 ACJ 2161. The contribution made by the mother to the house is invaluable and it cannot be computed in terms of money. The gracious services rendered by the mother with true love and affection to children and management of the house of affairs, cannot be equated with services rendered by anyone else. Therefore, this Court finds that the appellants-claimants are entitled to be awarded compensation, while considering the income of deceased-Parminder Kaur, as Rs. 3,300/- per month. The amount of dependency comes to Rs. 2,200/- per month after deducting one-third share in respect of personal expenses. Considering the age of deceased-mother about 59 years, multiplier of nine (09) is to be applied. In this manner, the compensation awarded by the Tribunal is enhanced, which comes to Rs. 2,37,600 (Rs. 2200 X 12 X 9). Further, the appellants are also entitled to another amount of Rs. 9,500/- on account of loss of estate, funeral expenses and love and affection as provided under the Act. In this manner, the appellants are held entitled for a total sum of Rs. 2,47,100 (Rs. 2,37,600 + 9,500) instead of Rs. 1,67,000/- (as awarded by the Tribunal) on account of death of their mother-Parminder Kaur.

Similarly, on account of death of the appellants' father (Kulwant Singh), who was aged about 65 years, his income is required to be assessed as Rs. 3,300/- per month. The amount of dependency comes to Rs. 2,200/- per month after deducting one-third share in respect of personal expenses. Considering the age of deceased-father

about 65 years, multiplier of five (05) is to be applied. In this manner, the compensation awarded by the Tribunal is enhanced, which comes to Rs. 1,32,000 (Rs. 2200 X 12 x 5). The appellants-claimants are also entitled for another amount of Rs. 7,500/- on account of funeral expenses, love and affection and loss of estate as these claimants have lost their father in the accident and have been deprived the love and affection of their father. Thus, the appellants shall be entitled for a total sum of Rs. 1,39,500/- rounded of as Rs. 1,40,000/-, instead of Rs. 1,25,000/- (as awarded by the Tribunal) on account of death of their father.

The enhanced amount of compensation in both appeals shall also carry interest @ 6% per annum from the date of filing of the claim petition till its realization.

With the aforesaid modification in the award, both the appeals stand disposed of.

May 16, 2017

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**(HARI PAL VERMA)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No