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

FAO No. 2261 of 2015(O&M)

Date of decision: 24.7.2017

Oriental Insurance Co. Ltd. ….Appellant

VERSUS

Darbara Singh and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Abhinandan Pandhi, Advocate for the appellant.

Mr. Ashwani Arora, Advocate for respondents No.1 to 4.

Mr. S.S. Tiwana, Advocate for respondent No.5.

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REKHA MITTAL, J.(Oral)

To assail the award dated 05.02.2015 passed by the Motor Accidents Claims Tribunal, Chandigarh (in short 'the Tribunal'), the present appeal has been preferred by the Oriental Insurance Company Limited (hereinafter to be referred as 'the Insurance Company').

Counsel for the appellant would contend that the Tribunal has assessed income of the deceased Smt. Karamjit Kaur at Rs.8,000/- per month, applied a multiplier of 14 to compute loss of dependency to the tune of Rs.13,44,000/-. In addition, an amount of Rs.25,000/- has been awarded for transportation and last rites, making total compensation to Rs.13,69,000/-.

It has been argued that income of the deceased assessed by the Tribunal is on higher side and liable to be reduced. Another submission made by counsel is that as per the Aadhar Card brought on record by way of application for additional evidence, the deceased was 47 years old at the time of occurrence, therefore, appropriate multiplier would be 13 in place of 14. In addition, it is argued that as two of the claimants namely Manpreet Singh and Sukhbir Singh are the married sons of deceased, they cannot be termed as dependents upon earnings of the deceased, therefore, they are not entitled to get any compensation.

Counsel for the claimants, on the other hand, has supported the findings of the Tribunal assessing contribution of deceased towards household to the tune of Rs.8,000/- per month. However, he has fairly conceded that as per age of the deceased given in the Aadhar Card, admissible multiplier would be 13 in the light of judgment of Hon'ble the Supreme Court **Smt. Sarla Verma and others versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77**. It has further been submitted that as the deceased was looking after the household work and doing multifarious duties towards her entire family consisting of her husband, two sons and a daughter, contention of the Insurance Company that the claimants were not dependent upon the deceased is misconceived.

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

Indisputably, the deceased was less than 50 years of age. There is nothing on record to suggest that she was incapacitated in any manner whatever to render services as a household lady. The occurrence in question took place in December 2013. Taking a clue from value of services of an assistance in household activities coupled with that lady of the house discharges multifarious duties, value of services of the deceased assessed by the Tribunal cannot be faulted with. As the deceased was 47 years old at the time of occurrence, admissible multiplier would be 13 in place of 14. Under the circumstances, loss of dependency comes to Rs.12,48,000/- [Rs.8,000/- x 12 x 13].

One of the claimants is the husband of the deceased. The Tribunal has not awarded any compensation for loss of consortium. Darbara Singh – respondent No.1 shall be entitled to an amount of Rs.1,00,000/- for loss of consortium.

In view of the above, total compensation comes to Rs.13,73,000/- [Rs.12,48,000/- + Rs.25,000/- + Rs.1,00,000/-] and the enhanced compensation is Rs.4,000/- (Rs.13,73,000/- - Rs.13,69,000/-). The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization, payable to Ms. Baljit Kaur, daughter of the deceased.

The appeal is disposed of in the aforesaid terms.

JULY 24, 2017 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no