

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

F.A.O No. 2772 of 2015

Date of decision:- 22.08.2017

Tarsem Singh and others.

...Appellants

Versus

M/s New India Assurance Co. Ltd. & ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. J.S. Cooner, Advocate
for the appellants.

Mr. Eklavya Kumar, Advocate
for respondent No. 1.

Mr. Neeraj Khanna, Advocate for respondent No. 2

RITU BAHRI J.

1. The present appeal has been preferred by the appellant (for short 'the appellant') against the award dated 07.10.2014 passed by the learned Motor Accident Claims Tribunal, Amritsar (for short, 'the Tribunal') whereby learned Tribunal has granted the compensation to the appellants to the tune of Rs.5,90,000/-.

FACTS NOT IN DISPUTE

2. On 28.09.2013, deceased Parminder Kaur was going from her house to Fatehabad on bus No. PB-02-B-9799 being driven by Sukhdev Singh. At about 6:15 P.M when the bus reached within the area of the village Sangha on Goindwal Sahib to Tarn Taran, the bus struck against the trolley and then turned turtle and plunged into the fields. The deceased suffered grievous head injuries on her head and died on reaching the hospital. F.I.R No. 214 dated 28.09.2013 u/ss 279/304-A/337/338 IPC was registered at P.S. Sadar Tarn Taran.

3. The learned tribunal held that the deceased was 36 years old and was a house wife. She was held to be earning Rs. 7000/- per month from stitching garments. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr. No.	Heads	Calculations
(i)	Salary	Rs.3000/- per month
(ii)	Compensation after multiplier of 15 is applied	Rs.3000 X 12 X 15= Rs.5,40,000/-
(iii)	Conventional expenses	Rs.50,000/-
	Total compensation	Rs.5,90,000/-

4. The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "*Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77*", '*Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54*' and '*Munna Lal Jain and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459*', *Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520 and Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193*. Learned counsel submits that the Tribunal has erred in law by taking the income of the deceased at Rs.3000/- per month only and further nothing has been awarded towards love and affection to children who were fully dependent upon the deceased.

5. On the other hand, the learned counsel for the respondent has vehemently opposed the present appeal.

6. I have heard learned counsel for the parties and perused the record.

RE-ASSESSED COMPENSATION

It is not in dispute that the offending vehicle was fully insured

with the Insurance company.

8. Reference at this stage can be made to a judgment of this Court in a case of *United India Insurance Co. Ltd vs. Sube Singh and others, passed in FAO No. 218-2014, decided on 15.01.2014* wherein this Court while dismissing the appeal filed by the Insurance Company against the award of the Tribunal wherein the Tribunal took the income of a house wife at Rs.9000/- per month, held that to tag a house wife as skilled labour alone does not do complete justice to her multifarious role as home manager. House wife is something more than mere skilled worker and it would not be reasonable to estimate contribution of deceased at high figure. The SLP filed against the said judgment has also been dismissed.

9. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.9000/- per month
(ii)	30% of (i) above to be added as future prospects=	Rs.9000+Rs.2700=Rs.11700/- per month
(iii)	1/3 rd of (ii) deducted as personal expenses of the deceased=	Rs.11700-Rs.3900=Rs.7800 per month
(iv)	Compensation after multiplier of 15 is applied	Rs.7800 X 12 X 15= Rs.14,04,000/-
(v)	Loss of consortium	Rs.1,00,000/-
(vi)	Loss of love and affection to five minor children	Rs.2,50,000/- (Rs.50,000/- each)
(vii)	Funeral charges	Rs.25,000/-
(viii)	Total Compensation awarded	17,79,000/-
	Enhanced amount of compensation	Rs.17,79,000-Rs.5,90,000= Rs.11,89,000/-

10. Resultantly, the enhanced amount of compensation of **Rs.11,89,000/-** shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of

the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of *Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539*. Remaining conditions of disbursal of amount shall remain unaltered.

10. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

22.08.2017
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>