IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

FAO No.5931 of 2014.
Date of Decision: 30.01.2017.

Farman and another ....Appellants.

VERSUS

Ravinder Singh @ Baby and others ....Respondents.

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CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. V.D. Sharma, Advocate for the appellants.

Mr. Gopal Mittal, Advocate for
Mr. Munish Goel, Advocate for respondent No.3.

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SNEH PRASHAR, J.

By way of this appeal, appellants-Farman and another seek enhancement of compensation awarded to them by learned Motor Accident Claims Tribunal, Jind (for short, “the Tribunal”) vide the award dated 03.05.2013 passed in MACT Case No.180 of 2012 on account of death of Sinder Devi (wife of appellant No.1 and mother of appellant No.2) who lost her life in a vehicular accident on 01.07.2012.

The submissions made by Mr. V.D. Sharma, learned counsel representing the appellants and Mr. Gopal Mittal, learned counsel for respondent No.3 have been heard.

Learned counsel for the appellants argued that besides the household chores the deceased was doing the work of tailoring and knitting and was earning Rs.7,000/- per month but learned Tribunal wrongly assessed her income as Rs.6000/- per month and then arbitrarily deducted

1/3rd of the income towards personal and living expenses of the deceased without considering the fact that the deceased was a married lady and her husband and minor son were the claimants and no deduction towards personal and living expenses of the deceased was called for while taking the value of services of the deceased as a housewife. Learned counsel further contended that no amount was added to the income computing future prospects. The amount awarded for loss of estate, transportation, funeral expenses and loss of consortium and love and affection is on the lower side.

Although there was no document to show independent income of the deceased and she was taken to be a housewife, but considering the multifarious services rendered by the deceased towards her husband and in the upbringing of the child, her income was assessed as Rs.6000/- per month. All aspects relating to pecuniary loss suffered by the appellants-family members on account of death of Smt. Sinder Devi appear to have been taken care of while assessing her income. Thus, the income assessed by learned Tribunal is appropriate. No amount is required to be added to the income of the deceased computing future prospects. The deceased was survived by husband Farman and son Ankita. The deduction of 1/3rd made from the income of the deceased towards her personal and living expenses by learned Tribunal needs no modification. The deceased being 30-32 years aged at the time of accident, multiplier of '16' was rightly applied by learned Tribunal.

However, the amount of Rs.20,000/- awarded towards loss of consortium and loss of love and affection is certainly on the lower side and the same is enhanced to Rs.1,50,000/- (Rs.50,000/- to appellant-claimant No.1 for loss of consortium and Rs.1,00,000/- to appellant-claimant No.2 on account of loss of love and affection). The amount of Rs.10,000/- awarded to the appellants as transportation and funeral expenses is enhanced to Rs.25,000/-. The amount of Rs.5000/- awarded towards loss of estate is adequate.

Accordingly, the appeal filed by the appellants-claimants is partly allowed and the award dated 03.05.2013 passed by learned Tribunal is modified. The enhanced compensation of Rs.1,45,000/- shall be deposited by the respondents within 45 days from the date of receipt of certified copy of this judgment failing which the appellants-claimants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing the appeal till realization. The amount of compensation will be disbursed to the appellants in terms of shares/ conditions incorporated in the award of the Tribunal.

(SNEH PRASHAR)
JUDGE

30.01.2017.
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No