

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.70 of 2014 (O&M)
Date of Decision: September 20, 2017

Raj Kumar and others
..Appellants

Versus

Subhash and others
..Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Narender Kaajla, Advocate
for the appellants.

None for respondents no.1 & 2.

Mr. Satish Jain, Advocate
for respondent no.3-insurance company.

REKHA MITTAL, J.(oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Sumitra in a motor vehicular accident that took place on 24.06.2012.

The Motor Accidents Claims Tribunal, Fatehabad (hereinafter to be referred as the Tribunal) awarded an amount of Rs.9,29,440/-, detailed hereunder:-

Sr. No.	Head of Compensation	Amount
1.	Income	6110 x 12=73,320 P.A.
2.	Deduction on account of personal expenses	1/3 (24,440)
3.	Multiplier	16
4.	Loss of dependency	48,880 x 16=7,82,080/-

5.	Loss of consortium, love and affection etc.	1,00,000(as per the dictum of Hon'ble apex Court in the case titled Rajesh Vs. Rajbir etc. 2013 ACJ 1403
6.	Transportation of dead body, funeral expenses & last rites	25,000/-
7.	Medicines bills	22,360/-
	TOTAL	Rs.9,29,440/-

The Tribunal has assessed income of the deceased on the basis of value of her services as a house maker. The occurrence in question took place on 24.06.2012. Taking into consideration value of services of a house maker, income of the deceased is assessed at Rs.5,000/- per month, however, there would be no deduction on account of personal expenses in the light of Division Bench judgment of this Court ***Paramjit Singh and another Vs. Dilbagh Singh alias Bagga and others, 2014(4) RCR (Civil) 895***. The multiplier adopted by the Tribunal is affirmed. In this manner, loss of dependency comes to $\text{Rs.}5000/- \times 12 \times 16 = \text{Rs.}9,60,000/-$.

Compensation awarded by the Tribunal for loss of consortium, love and affection etc. to the spouse and transportation of dead body, funeral expenses/last rites and medicine bills is ordered to be affirmed. The minor children of the deceased are awarded an amount of Rs. 1,50,000/- (to be shared equally) for loss of love & affection, care and guidance of their mother.

The total compensation is Rs.12,57,360/- (9,60,000/- + 2,97,360/-) and the additional amount is Rs.3,27,920/- (12,57,360 - 9,29,440). The additional amount shall carry interest @ 7.5% per annum from the date of petition till realization, payable to children of the deceased

in equal share. The amount shall be converted into Fixed Deposit Receipts till the minors attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid manner.

(REKHA MITTAL)
JUDGE

September 20, 2017
Sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No