

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

FAO No.5703 of 2015

Date of Decision: 10.10.2017

Vijay Kumar and others

...Appellant(s)

Versus

Paramjit and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Dinesh Mahajan, Advocate
for the appellants.

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

ANITA CHAUDHRY, J.

This is the claimants appeal for enhancement. In the award dated 20.10.2014 passed by the Motor Accident Claims Tribunal, Gurdaspur.

The claim petition had been filed by the husband and children of Sunita, who died in a vehicular accident which occurred on 23.08.2011. Deceased-Sunita was 40 years old. She left behind a major son and one minor son. The claimants have pleaded that she was contributing Rs.7,000/- from tailoring work besides the household work and her contribution was not less than Rs.10,000/- per month.

The Tribunal noted that there was no evidence that she was earning and took her contribution at Rs.3000/- per month. Thereafter, it deducted 1/5th for her personal expenses and applied the multiplier of 16 and calculated the loss at Rs.4,60,800/-. Claimants No.2 to 4 were also allowed Rs.1 lacs for loss of love and affection. Rs.1 lac was allowed to the husband for loss of consortium and Rs.50,000/- was

allowed as funeral expenses and cost of litigation. Claim of Rs.7,10,800/- was allowed.

The submission made on behalf of the appellants is that the notional income has been taken on the lower side and should have been at least Rs.5,000/- and no deduction should have been made. The counsel has also submitted that some addition should have been made for loss of estate.

The accident had taken place in 2011. The notional income for the housewife had been taken on the lower side. I would take the contribution of the housewife to be Rs.5,000/- per month. No deduction on this amount should be made. The correct multiplier would be 15 considering her age. The compensation would come to $\text{Rs.5,000} \times 12 \times 15 = \text{Rs.9 lacs}$. To this Rupees one lac should be added for loss of consortium. Rupees one lac for loss of love and affection for the minor child and Rs.25,000/- for funeral expenses. The total of this comes to Rs.11,25,000/-.

The Tribunal had allowed Rs.7,10,800/- which would be deducted and the balance amount would be paid within 2 months from today failing which the insurance company would pay interest @ 6% per annum from the date of filing of the appeal till its actual realization.

The appeal is partly allowed.

October 10, 2017

ps-l

**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No