

In the High Court of Punjab and Haryana at Chandigarh

**F.A.O No. 7910 of 2014
Date of Decision: 26.4.2017**

Ramjas and another

.....Appellants

Versus

Daryo Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Anil Kumar, Advocate
for the appellants.

Mr. Navin Kapur, Advocate
for respondent No. 3.

ANITA CHAUDHRY, J

This is the claimants' appeal seeking enhancement in the award dated 16.5.2014 passed by the Motor Accident Claims Tribunal, Narnaul.

Birmati was 45 years old and was married. The claimants were the husband, son and daughter. The daughter was married. The claim had been allowed only to appellants No. 1 and 2. The deceased was taken to be a housewife and the value of her services was taken to be Rs. 1500/- per month and after applying the multiplier of 14, the compensation was assessed at Rs. 2,52,000/-. A sum of Rs. 10,000/- was added for loss of consortium and Rs. 10,000/- was added for funeral expenses raising the total to Rs. 2,72,000/-. The Tribunal did not correctly mention the amount and was wrongly mentioned as Rs. 2,62,000/-.

The submission on behalf of the appellants is that in the case of

Lata Wadhwa and others versus State of Bihar and others 2001(4) RCR

(Civil) 673, which was decided decades ago, the contribution of the housewife was taken as Rs. 3,000/- per month and an amount higher than that should have been taken. The counsel refers to ***Choor Singh versus Mamta Sethi and others 2006 UAD 928*** and ***Dayal Singh and others versus Hardip Singh and others 2009(1) AICJ 66***. It was urged that the appellants were also entitled to a higher amount for loss of consortium and funeral expenses.

In *Lata Wadhwa's* case (supra), the Apex Court had valued the services of the housewife at Rs. 3,000/- per month. The death in this case took place in the year 2013. Therefore, the amount should be taken as Rs. 4500/- per month. No deduction has to be made. Making the calculations all over again, the amount would be Rs. 4500 x 12 x 14 = 7,56,000/-. The appellants are also entitled to increase on other heads. I would raise the amount on loss of consortium to Rs. 1,00,000/- and Rs. 25,000/- for funeral expenses raising the total to Rs. 8,81,000/-. The Tribunal had awarded Rs. 2,62,000/-. It is not clear whether any correction was made. The amount paid would be deducted and the balance amount would be paid by the insurance company to the appellants with interest @ 6% and in the same ratio as was allowed by the Tribunal from the date of filing of the appeal till realization.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

April 26, 2017
Gurpreet

Whether speaking/reasoned : **Yes**
Whether reportable : **No**