

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision:16.3.2018

FAO No. 6623 of 2012

Hari Om and another

---Appellants

vs.

Rafik and others

---Respondents

FAO No. 6622 of 2012

Hari Om and another

---Appellants

vs.

Rafik and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Kunal Dawar, Advocate
for the appellants in both the appeals

Ms. Vandana Malhotra, Advocate
for the insurance company in both the appeals

Rekha Mittal, J.

This order will dispose of FAO Nos. 6622 and 6623 of 2012 as these have emerged out of the same award dated 10.9.2012 passed by the Motor Accidents Claims Tribunal, Palwal (in short “the Tribunal”) whereby compensation has been awarded on account of death of Deshveer and his wife Smt. Shakuntla in a motor vehicular accident that took place on 3.5.2009.

FAO No. 6622 of 2012 has been filed seeking enhancement of compensation on account of death of Deshveer whereas FAO No. 6623 of 2012 pertains to death of Smt. Shakuntla.

Counsel for the appellants would state that he has the instructions to withdraw the appeal (FAO No. 6622 of 2012).

Ordered accordingly.

FAO No. 6623 of 2012

The Tribunal has awarded compensation of Rs.4,35,000/-, detailed hereunder:-

Monthly loss of value of services of the deceased	Rs. 4000/-
Multiplier	13
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs. 4,16,000/-
Expenses on transportation of dead body, funeral and loss of estate	Rs. 19,000/-

Counsel for the claimants would urge that the claimants lost their parents in the unfortunate occurrence that took place because of rash and negligent driving of Dumper No. HR-38 P-1689. One of the claimants was 16 years old at the time of occurrence and desperately needed help of his parents at this crucial juncture in his life. It is further argued that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. The Tribunal has wrongly deducted 1/3rd for personal expenses which is contrary to the Division Bench judgment of this Court ***Paramjit Singh and another vs. Dilbag Singh alias Bagga and others 2014(4)R.C.R.(Civil)895***. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported assessment made by the Tribunal.

The Tribunal has assessed value of services of the deceased at Rs.

4000/- per month being a house maker. The deceased had a family consisting of her husband and two sons and one of them is minor. A house maker has multifarious duties to perform round the clock. She is not only to look after domestic affairs like managing household but also to take care of emotional needs of the family. Under the circumstances, it is expedient in the interest of justice that value of services of the deceased is assessed at Rs. 6000/- per month. There would be no deduction for personal expenses in the light of aforesaid Division Bench judgment of this Court. The deceased was 45 years old at the time of death. Under the circumstances, admissible multiplier would be 14. In this manner, loss of dependency comes to Rs.10,08,000 (6000 x12x14).

An amount of Rs. 19000/- allowed by the Tribunal under conventional heads is affirmed. In this manner, total compensation is Rs. 10,27,000/- and the additional amount is Rs. 5,92,000/-(10,27,000 - 4,35,000), payable with interest @ 7.5% per annum from the date of petition till realization to the claimants in the proportion 40:60. The share of minor shall be invested in fixed deposit payable on his attaining age of majority or for a period of three years, whichever is later. All other terms and conditions of the award shall remain intact.

Appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

16.3.2018.

paramjit

Whether speaking/reasoned: Yes

Whether reportable : Yes/No