

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 10193 of 2014(O&M)
Date of Decision: 10.5.2018

Jai Ram and others

---Appellants

versus

Hari Chand and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Munish Kumar Garg, Advocate
for the appellants
Mr. Deepak Chaudhary, Advocate
for respondents No. 1 and 2
Mr.V.Ramswaroop, Advocate,
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Amita in a motor vehicular accident that took place on 6.3.2013.

The Motor Accidents Claims Tribunal, Fatehabad (in short “the Tribunal”) has awarded compensation of Rs. 6,00,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4,000/-
Deduction for personal expenses	1/3 rd
Multiplier	15
Loss of dependency	Rs. 5,40,000/-
Loss of consortium, love and affection etc.	Rs. 40,000/-
Funeral expenses, last rites and transportation charges	Rs. 20,000/-

Counsel for the claimants would urge that the Tribunal has assessed income of the deceased on the basis of her earnings from PACL

Limited as she was working on commission basis with the said company proved by Jaspal Singh, Junior Executive, PACL Limited, Fatehabad PW3 and the document Ex. P7 of the said company. It is argued that the Tribunal has not assessed loss of services of the deceased as a house maker as she had been looking after family consisting of her husband and two minor children (claimants No. 1 and 2). Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported the award with the submission that claimants have been adequately compensated.

Findings recorded by the Tribunal with regard to income of the deceased on the basis of commission etc. and computing loss of dependency to the tune of **Rs. 5,40,000/-** are affirmed. As the deceased was working with the aforesaid company, she must be spending some time to perform that job. At the same time, she had been looking after domestic affairs of her family. Value of services of deceased as a house maker is assessed at Rs. 5000/- per month. No deduction for personal expenses would be made in the light of Division Bench judgment of this Court ***Paramjit Singh and another vs. Dilbag Singh alias Bagga and others 2014(3) RCR (Civil) 1027***. After applying multiplier of 15, loss of dependency qua services of the deceased as a house maker is calculated at Rs. 9,00,000/- [5000 x12 x15].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to

Rs. 70,000/-, detailed hereunder:-

Loss of consortium to widow **Rs. 40,000/-**

Expenses on funeral **Rs. 15,000/-**

Loss of estate **Rs. 15,000/-**

Total compensation is Rs. 15,10,000/- (9,00,000 + 70,000 +5,40,000) and the additional amount is Rs.9,10,000/- (15,10,000-6,00,000), payable with interest @ 7.5% per annum from the date of petition till realization to the minor children in the ratio 40:60, to be invested in fixed deposit till they attain age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

10.5.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No