IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1175-2014 (O&M)
Date of decision: 17.01.2018

DWARKA PARJAPATI & ORS ...Appellants

Versus

JAGMAL SINGH & ANR ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Surinder S. Virk, Advocate
for the appellants.

None for respondent No.1.

Mr. Karanvir Singh, Advocate and
Ms. Sonia Sharma, Advocate for
Mr. J.S. Toor, Advocate
for respondent No.2.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Saroj Devi in a motor vehicular accident that took place on 17.07.2011.

The Tribunal has awarded compensation to the tune of Rs.5,45,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.4000/-
2. Multiplier	15
3. Deduction for personal expenses	1/4th
4. Loss of dependency	Rs.5,40,000/-
5. Expenses on funeral and last rites	Rs.5000/-

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Counsel for the appellants has submitted that value of services of the deceased assessed by the Tribunal is on lower side and needs enhancement. No deduction for personal expenses should be allowed in the light of Division Bench judgment of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730.** Adequate compensation may be allowed under conventional heads.

Counsel representing respondent No.2 has supported assessment made by the Tribunal with the submission that there is no justification for enhancement of compensation.

The Tribunal has assessed value of services of the deceased at Rs.4000/- per month. The deceased left behind family consisting of her husband, three daughters and one son. Three children of the deceased were minor. Taking a clue from minimum wage available at the relevant time coupled with that a household lady has to perform multifarious duties, value of services of the deceased is assessed at Rs.5000/- per month. As has been rightly argued by counsel for the claimants, no deduction for personal expenses is to be made in the light of judgment in **Paramjit Singh's case** (supra). The multiplier adopted by the Tribunal is affirmed. In view of the above, loss of dependency comes to Rs.9,00,000/- (Rs.5000 x 12 x 15).

Under conventional heads, claimants shall be entitled to Rs.55,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Funeral expenses	Rs.15,000/-

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The total compensation comes to Rs.9,55,000/- and the additional amount is Rs.4,10,000/- (9,55,000 – 5,45,000), payable with interest @ 7.5% per annum from the date of petition till realization in terms of the award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

17.01.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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

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