

In the High Court of Punjab and Haryana at Chandigarh

FAO- 1238 of 2015
Date of Decision:12.1.2018

Rajinder Singh and others

---Appellants

vs.

Bir Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Navdeep Kaur, Advocate
for Mr. Keshav Partap Singh, Advocate
for the appellants

Mr. Arun Sharma, Advocate
for the insurance company

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation in regard to death of Munesh wife of Rajinder Singh in a motor vehicular accident that took place on 14.3.2013.

The Motor Accidents Claims Tribunal, Palwal (in short “the Tribunal”) has awarded compensation to the tune of Rs. 6,82,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4000/-
Multiplier	14
Loss of dependency	4000 x 12x 14=Rs. 6,72,000/-
Transportation and last rites expenses	Rs. 10,000/-

Counsel for the claimants would urge that value of services of

the deceased assessed by the Tribunal is on lower side and needs enhancement. It is further argued that Hon'ble the Supreme Court of India in **Lata Wadhwa vs. State of Bihar 2001(4) RCR (Civil) 673**, a case pertaining to the year 1989, assessed value of services of a house maker at Rs. 3000/- per month and since then the price index is showing upward trend throughout. Another submission made by counsel is that adequate compensation may be awarded under conventional heads.

Counsel representing the insurance company, on the other hand, has supported assessment made by the Tribunal.

The family of Munesh aged about 43 years was left in sudden shock due to her untimely death. The application for compensation has been filed by the husband, two daughters and a son of Munesh. A house maker has multifarious duties to perform, therefore, it is difficult to digest that her services are to be valued on the basis of minimum wage of a worker fixed by the government. Under the circumstances, value of services of the deceased are assessed at Rs. 6000/- per month. The Tribunal has rightly applied multiplier of 14. In this manner, loss of dependency comes to Rs. $6000 \times 12 \times 14 = \text{Rs. } 10,08,000/-$.

Under conventional heads, the claimants shall be entitled to **Rs. 55,000/-** namely Rs. 40,000/- for loss of consortium and Rs. 15,000/- for expenses on funeral/last rites.

The total compensation comes to Rs. **10,63,000** /- and the additional amount is **Rs. 3,81,000/-** (10,63,000-6,82,000), payable with interest at the rate of 7.5% per annum from the date of petition till realization to be shared by daughters of the deceased in equal proportion

except the amount qua loss of consortium payable to husband of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

12.1.2018
paramjit

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