

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No. 296 of 2015(O&M)

Date of decision: 16.8.2018

Dajo Devi

.....Appellant

VERSUS

Uttam Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vivek Suri, Advocate for the appellant.

Mr. Pradeep Kumar, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Smt. Triveni Devi in a motor vehicular accident that took place on 19.12.2011.

The Motor Accidents Claims Tribunal, Panchkula (in short 'the Tribunal') has awarded compensation of Rs.1,25,000/- namely Rs.1,00,000/- for loss of love and affection and mental agony and Rs.25,000/- for expenses on funeral.

The deceased was 65 years old at the time of occurrence. The application for compensation has been filed by the son and daughter in law of the deceased, aged approximately 45 years. The son of the deceased has passed away and the appeal has been preferred by her daughter in law. As per settled position in law, compensation cannot be a bonanza, largesse or a source of profit. Taking into consideration age of the deceased coupled with age of the claimants, interest of justice would be served if value of

services of the deceased is assessed at Rs.2500/- per month. By applying multiplier of 5, loss of dependency is calculated at Rs.1,50,000/- (Rs.2500/- x 12 x 5). Another amount of Rs.15,000/- is awarded for expenses on funeral.

In view of the above, total compensation comes to Rs.1,65,000/- and additional amount is Rs.40,000/- (Rs.1,65,000/- - Rs.1,25,000/-), payable with interest at the rate of 7.5% per annum from the date of petition till realisation.

The appeal is partly allowed in the aforesaid terms.

AUGUST 16, 2018

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no