

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

**FAO No.2853 of 2016 (O & M)
Date of Decision:-15.3.2018**

Vijay Singh and others

...Appellants

Versus

Kamal Kishor and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Abhimanyu Kalsy, Advocate
for the appellants.

Mr. Rajesh K. Sharma, Advocate
for respondent No.3-insurance company.

REKHA MITTAL J.(Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Smt. Vidhya Devi in a motor vehicular accident, which took place on 7.4.2015.

The Tribunal has awarded compensation of Rs.3,19,000/-,
detailed hereunder :-

- | | |
|--|----------------------|
| 1. Value of the services of the deceased | Rs.3,000/- per month |
| 2. Deduction for personal expenses | 50% |
| 3. Multiplier | 13 |
| 4. Loss of dependency | Rs.2,34,000/- |
| 5. Loss of Estate | Rs.20,000/- |

6. Funeral expenses	Rs.20,000/-
7. Non pecuniary damages	Rs.20,000/-
8. Loss of consortium	Rs.25,000/-

Counsel for the appellants has submitted that value of services of the deceased assessed by the Tribunal is grossly inadequate and liable to be enhanced. No deduction is to be made for personal expenses of the deceased 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.**

Counsel representing the insurance company would argue that compensation awarded under the conventional heads needs to be restricted to Rs.55,000/- in the light of latest judgment of Hon'ble Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others, 2017 SCC 1270.**

Smt. Vidhya Devi has been held to be house-maker who left behind family consisting of her husband and two sons. The occurrence in question took place on 7.4.2015 and deceased was 50 years of age at that time. A house-maker has multifarious duties to perform. Under the circumstances, value of services of the deceased is assessed at Rs.6000/- per month. As has been rightly argued by learned counsel for the claimants, no deduction for personal expenses is to be made. Multiplier adopted by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.6000/- x 12 x 13 =9,36,000/-.

Under conventional heads, compensation awarded by the

Tribunal is modified to the extent that the claimants shall be entitled to Rs.55,000/- i.e. loss of consortium Rs.40,000/- and expenses on funeral/last rites Rs.15,000/-.

Total compensation is Rs.9,91,000/- and the additional amount is Rs.6,72,000/- payable with interest @ 7.5% from the date of petition till realization to be shared by the claimants in the proportion 30:35:35.

The appeal is partly allowed in the aforesaid terms.

March 15, 2018
Vijay Asija

(**REKHA MITTAL**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No