IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

229 FAO No.3026 of 2016 (O&M)
Date of decision: 24.05.2018

SUNITA AND ORS ... Appellants

Versus

VINOD SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vijay K. Sheoran, Advocate for the appellants.

Mr. Ajay Singla, Advocate for the insurance company.

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REKHA MITTAL, J. (Oral)

CM No.11100-CII of 2016

Heard.

Allowed as prayed for. Delay of 93 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Smt. Tarawati in a motor vehicular accident that took place on 07.02.2003.

The Tribunal has awarded compensation of Rs.4,31,680/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5100/-
2. Multiplier	8
3. Deduction for personal expenses	1/5th

4. Loss of dependency	Rs.3,91,680/-
5. Expenses on funeral and transportation	Rs.10,000/-
6. Loss of love and affection	Rs.20,000/-
7. Loss of care and guidance of minors	Rs.10,000/-

Counsel for the claimants would urge that as per postmortem report of the deceased, she was 45 years old at the time of occurrence but the Tribunal has assessed her age as 60 years. It is argued that appropriate multiplier may be applied on the basis of age of 45 years. Another submission made by counsel is that deceased was drawing family pension to the tune of Rs.3319/- besides rendering services to her family. The Tribunal has assessed value of her services @ Rs.1800/- per month which is grossly inadequate.

Counsel representing the insurance company has supported assessment made by the Tribunal.

The claimants did not produce any document with regard to date of birth of the deceased. It has been proved on record that Ranbir Singh, husband of Tarawati retired from service on 31.08.1999 on attaining age of superannuation of 58 years. In the year 2002, her husband was more than 61 years of age. One of the claimants is daughter-in-law of the deceased and she is aged about 42 years. In the given circumstances, the Tribunal has rightly assessed age of the deceased at 60 years as against her age recorded in the postmortem report.

The Tribunal has rightly taken into consideration loss of family pension to the tune of Rs.3319/- received by the deceased. The claimants are the widowed daughter-in-law and grandchildren of the deceased. A household lady has multifarious duties to perform. In the present case, the deceased had to look after family of his son Tejvir Singh who died at a young age. Taking a clue from minimum wage available at the relevant time coupled with that a house-maker is multitasking, value of services of the deceased is assessed at Rs.2500/- per month. Total loss of income comes to Rs.5819/-. There would not be any deduction with regard to value of her services. However, deduction to the extent of 1/5th is allowed qua family pension received by the deceased. The Tribunal has applied multiplier of 8 but the appropriate multiplier is 9. In this manner, loss of dependency comes to Rs.5,56,761/- (Rs.2500 x 12 x 9) + [(3319 x 12 x 9) – (1/5th deduction for personal expenses)]. Compensation allowed under conventional heads is affirmed.

Total compensation is Rs.5,96,761/- and the additional amount is Rs.1,65,081/- (5,96,761 - 4,31,680), payable with interest @ 7.5% per annum from the date of petition till realization, in terms of award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

24.05.2018
ashok

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