

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

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FAO-5471-2015 (O&M)
Date of decision: 29.10.2018

VEER BHAN AND ORS

... Appellants

Versus

SHAMSHER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Hitesh Kumar Sammi, Advocate for the appellants.

Mr. Anupam Singla, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Veena Rani in a motor vehicular accident that took place on 20.08.2013.

The Tribunal has awarded compensation of Rs.13,05,720/-, detailed hereunder:-

1. Monthly value of services of a housemaker	Rs.7415/-
2. Multiplier	14
3. Loss of dependency	Rs.12,45,720/-
4. Expenses on funeral	Rs.25,000/-
5. Loss of consortium to the spouse	Rs.10,000/-
6. Loss of love and affection	Rs.25,000/-

Counsel for the claimants would urge that they are entitle to enhancement of compensation by allowing addition in income for future prospects @ 25%. The deceased remained under treatment of Rajindra Medical College and Hospital, Patiala for a period of 9 days and claimants are entitle to medical expenses in respect of her treatment.

The plea of claimants that the deceased was doing tailoring work and assisting in agricultural work, thus, earning Rs.15,000/- per month does not find support from independent much less documentary evidence. The Tribunal has treated the deceased as a housemaker and

assessed value of her services @ Rs.7415/- per month by taking into consideration the minimum wage plus addition to the extent of 15%. No deduction for personal expenses has been made. In the given scenario, I do not find any justification for increase in monthly loss of dependency. The Tribunal has rightly applied multiplier of 14 to compute loss of dependency at Rs.12,45,720/-.

Under conventional heads, compensation allowed by the Tribunal is more than what can be allowed in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram and others, Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018.**

Claimants did not produce any documentary evidence with regard to expenses incurred on medical treatment of the deceased. However, there is no challenge to their version that since the date of accident 20.08.2013 till her death, the deceased remained under treatment in Rajindra Medical College and Hospital, Patiala. Claimants are awarded a sum of Rs.25,000/- in respect of medical expenses. The additional amount of Rs.25,000/- shall be payable with interest @ 7.5% per annum from the date of petition till realization, to Poonam Rani, the youngest daughter of deceased.

The appeal is partly allowed in the aforesaid terms.

29.10.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No