

DIWAKER GULATI
2018.09.18 11:25

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

Date of decision: 13.9.2018

1.

FAO No. 5763 of 2015(O&M)

Brij Kishor and another

.....Appellants

VERSUS

Bablu Dass and others

.....Respondents

2.

FAO No. 5764 of 2015(O&M)

Gokal and others

.....Appellants

VERSUS

Bablu Dass and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rohit Rana, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent-Insurance Company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.5763 and 5764 of 2015 as these have emerged out of the same award dated 03.04.2015 passed by the Motor Accidents Claims Tribunal, Palwal (in short 'the Tribunal') whereby compensation has been awarded on account of death of Kavya aged 7-8 years and Champa aged 40 years.

FAO No.5763 of 2015

The Tribunal has awarded compensation of Rs.3,75,000/- by relying upon judgment of Hon'ble the Supreme Court **R.K. Malik Vs. Kiran Pal, 2009 ACJ 1924**. As the deceased was a child aged 7-8 years, there is no justification for enhancement of compensation over and above what has been allowed by the Tribunal.

Accordingly, the appeal stands disposed of.

FAO Nos.5764 of 2015

The Tribunal has awarded compensation of Rs.5,08,000/- detailed hereunder:-

Monthly value of services of the deceased	Rs.3000/-
Multiplier	13
Loss of dependency	Rs.4,68,000/-
Expenses on funeral	Rs.10000/-
Loss of consortium	Rs.20000/-
Loss of estate	Rs.5000/-
Loss of love and affection	Rs.5000/-

Counsel for the appellants would urge that the deceased had been rendering services to family consisting of her husband, two daughters and two sons. By relying upon judgment of this Court **United India Assurance Co. Ltd. Vs. Sube Singh, FAO No.218 of 2014, decided on 15.01.2014**, affirmed by Hon'ble the Supreme Court, he would pray that value of services of the deceased may be assessed at Rs.9000/- per month.

Counsel for the insurance company would pray for assessment of value of services of deceased at Rs.6000/- per month by relying upon judgment of this Court **Sandeep and others Vs. Deepak Luhach and**

others, FAO No.6787 of 2015 and connected cases, decided on 23.03.2018.

I have heard counsel for the parties and perused the paperbook particularly the award.

Hon'ble the Supreme Court assessed value of services of a house-maker at Rs.3000/- per month in **Lata Wadhwa Vs. State of Bihar, 2001(4) RCR (Civil) 673**, a case pertaining to occurrence of the year 1989.

A house maker has multifarious duties to perform. She provides best possible comforts, mental and physical support etc. to the family. Taking into consideration the judgment in **Sube Singh and others case** (supra), when examined in the light of facts and circumstances of the present case, plea of the claimants to assess value of services of the deceased at Rs.9000/- per month is justified. On the contrary, in **Sandeep and others case** (supra), no such issue was raised before this Court with regard to value of services of the deceased assessed at Rs.6000/- per month by the Tribunal, therefore, the insurance company cannot derive any advantage to its contention from the referred authority. The Tribunal has rightly applied multiplier of 13. In this manner, loss of dependency is calculated at Rs.14,04,000/- [Rs.9000/- x 12 x 13].

Under conventional heads, claimants shall be entitled to Rs.55,000/- by way of modification i.e. Rs.40000/- for loss of consortium and Rs.15000/- for expenses on funeral.

In view of the above, total compensation is Rs.14,59,000/- and the additional amount is Rs.9,51,000/- (Rs.14,59,000/- - Rs.5,08,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to Sonam, minor daughter of the deceased,

to be invested in a fixed deposit till she attains the age of majority or for a period of 3 years whichever is later.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 13, 2018	(REKHA MITTAL)
‘D. Gulati’	JUDGE
Whether speaking/reasoned	: yes/no
Whether reportable	: yes/no