

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

FAO No. 6247 of 2015(O&M)

Date of decision: 6.3.2018

Harjap Singh

....Appellant

VERSUS

Parshotam Lal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashwani Arora, Advocate for the appellant.

Ms. Surinder Kaur, Advocate for
Mr. Vishal Goel, Advocate for respondent No.3.

REKHA MITTAL, J.(Oral)

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Rupnagar (in short 'the Tribunal') in regard to death of Sheela Devi in a motor vehicular accident that took place on 21.12.2013.

The Tribunal has awarded compensation of Rs.70,000/- detailed hereunder:-

Loss of love and affection	Rs.30,000/-
Expenses on transportation and last rites	Rs.20,000/-
Loss of consortium	Rs.20,000/-

Counsel for the appellants would argue that the deceased was 49 years old as per postmortem report Ex.P2, therefore, compensation is liable to be assessed by assessing value of services of the deceased and an

appropriate multiplier in the light of judgment of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77.** Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company has supported assessment made by the Tribunal with the plea that claimants have been adequately compensated.

The application for compensation was filed by the husband and two major sons of deceased Sheela Devi. There is no clear evidence available on record with regard to date of birth of deceased Sheela Devi. However, in the post-mortem report, she is stated to be 49 years old. Two sons of the deceased are 31 and 25 years old. Husband of the deceased is 60 years old. In the petition, deceased is claimed to be 53 years old at the time of occurrence. Taking a reasonable and cumulative view of the materials on record, interest of justice would be served if age of the deceased is taken in the bracket of 51-55 years. Her services as a house-maker is valued at Rs.6,000/- per month. No deduction for personal expenses is to be made in the light of judgment of Hon'ble Division Bench of this Court **Paramjit Singh and another Vs. Dilbagh Singh alias Bagga and others, 2014(4) RCR (Civil) 895.** In this manner, loss of dependency comes to Rs.7,92,000/- (Rs.6000/- x 12 x 11).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.55,000/- detailed herein:-

Loss of consortium	Rs.40,000/-
Expenses on funeral/last rites	Rs.15,000/-

In view of the above, total compensation comes to Rs.8,47,000/- and the additional amount is Rs. 7,77,000/- (Rs.8,47,000/- - Rs.70,000/-), payable with interest at the rate of 7.5% per annum from the date of petition till realization to husband of the deceased.

The appeal is partly allowed in the aforesaid terms.

MARCH 6, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no