

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

FAO No. 6572 of 2015(O&M)

Date of decision: 22.3.2018

Davinder Kaur and anotherAppellants

VERSUS

Najbul Khan and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sandeep Kotla, Advocate for the appellants.

Mr. Vipul Sharma, Advocate for

Mr. Paul S. Saini, 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, Fatehabad (in short 'the Tribunal') on account of death of their unmarried daughter Lovepreet aged about 18 years, in a motor vehicular accident that took place on 04.04.2013.

The Tribunal has awarded compensation to the tune of Rs.4,00,000/- detailed hereunder:-

Notional income of the deceased	Rs.20000/- p.a
Multiplier	18
Loss of dependency	Rs.3,60,000/-
Loss of love and affection, funeral expenses and last rites	Rs.40000/-

Counsel for the claimants would argue that as the deceased was 18 years old unmarried daughter of the claimants helping the mother in domestic affairs and doing stitching/knitting work, her income may be assessed accordingly.

Counsel representing the insurance company, on the other hand, has supported assessment made by the Tribunal with the plea that compensation under conventional heads needs modification in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

The deceased was 18 years old unmarried daughter of claimants Davinder Kaur and Sukhwinder Singh. The Tribunal has noticed judgment of Hon'ble the Supreme Court **Lata Wadhwa Vs. State of Bihar, 2001(4) RCR (Civil) 673,** wherein the Apex Court assessed value of services of a house-maker at the rate of Rs.3,000/- per month and the occurrence pertains to the year 1989. Taking into consideration the minimum wage available at the relevant time coupled with deceased was not exclusively responsible for running domestic affairs of the family and she had been rendering assistance to her mother in domestic chores etc., interest of justice would be served if value of her services is assessed at Rs.4,000/- per month. Multiplier adopted by the Tribunal is liable to be affirmed. In this manner, loss of dependency comes to Rs.8,64,000/- (Rs.4000/- x 12 x 18)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimants shall be entitled to Rs.15,000/- for expenses on funeral/last rites.

In view of the above, total compensation comes to Rs.8,79,000/- and additional amount is Rs.4,79,000/- (Rs.8,79,000/- - Rs.4,00,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

MARCH 22, 2018

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no