IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

238 FAO-5976-2016 (O&M)

Date of decision: 24.04.2018

GURMEET SINGH AND ORS ... Appellants

Versus

JASWINDER SINGH AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sham Lal Bhalla, Advocate for the appellants.

None for the insurance company.

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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Smt. Sarabjit Kaur in a motor vehicular accident that took place on 25.04.2012.

The Tribunal has awarded compensation of Rs.8,93,000/-, detailed hereunder:-

1. Monthly notional income of the deceased towards contribution to her family	Rs.4000/-
2. Multiplier	16
3. Loss of dependency	Rs.7,68,000/-
4. Expenses on funeral	Rs.25,000/-
5. Loss of consortium	Rs.1,00,000/-
6. Medical expenses	Rs.2,14,207/- (rounded of to Rs.2,14,200)
7. Expenses on transportation during treatment of the deceased	Rs.10,000/-

Counsel for the appellants would urge that income of the deceased assessed by the Tribunal is on lower side and needs enhancement. It is further argued that though the Tribunal in para 15 of the award has allowed compensation of Rs.2,14,200/- towards medical expenses and Rs.10,000/- towards transportation expenses but the said amount was not added while computing total compensation payable to the claimants.

Respondent No.4, the insurance company fails to cause appearance despite service, therefore, there is no contest by the insurer.

The occurrence in question took place in 25.04.2012. The Tribunal rejected plea of the claimants that the deceased was working as Peon in Oriental Bank of Commerce, for want of evidence. Even plea of the claimants that the deceased was running a boutique in her house in the morning hours and late evening hours has not been accepted. It is difficult to accept that if the deceased was working as Peon in a bank, she was also running a boutique as well as looking after household affairs. In the given circumstances, income of the deceased is to be assessed on the basis of value of her services as a house-maker.

The deceased left behind family consisting of her husband and two minor sons aged 15 and 13 years. She was the only female member in the family to look after domestic affairs. A household lady has multifarious duties to perform. Taking a clue from minimum wage available at the relevant time coupled with that a house-maker is multitasking, income of the deceased is assessed at Rs.7000/- per month. Multiplier adopted by the

Tribunal is affirmed. In this manner, loss of dependency comes to Rs.13,44,000/- (Rs.7000 x 12 x 16).

Compensation awarded under conventional heads is modified to the effect that claimants shall be entitled to Rs.55,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Funeral expenses	Rs.15,000/-

Compensation awarded by the Tribunal with regard to medical expenses to the tune of Rs.2,14,200/- and transportation charges Rs.10,000/- is ordered to be affirmed. In view of the above, total compensation is Rs.16,23,200/- and the additional amount is Rs.7,30,200/- (16,23,200 – 8,93,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay i.e. 103 days in filing the appeal, to minor children of the deceased in equal ratio, to be invested in fixed deposit payable on their attaining age of majority or for a period of three years, whichever is later. The interest accruing on FDRs shall be payable to father of the minors for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

24.04.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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