

In the High Court of Punjab and Haryana at Chandigarh

FAO- 3475 of 2018
Date of Decision: 11.12.2018

Sh. Neki Ram and others

---Appellants

versus

Vinod Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rajesh Goyal, Advocate
for the appellants

Mr. R.N.Singal, Advocate,
for the insurance company/respondent No. 3

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Shakuntla in a motor vehicular accident that took place on 1.9.2015.

The Motor Accidents Claims Tribunal, Jind (in short “the Tribunal”) has awarded compensation of Rs.7,57,000/-, detailed hereunder:-

Loss of services of the deceased	Rs. 6000/- per month
Deduction for personal expenses	1/4 th
Multiplier	13
Loss of dependency	Rs. 7,02,000/-
Consortium	Rs. 40,000/-
Funeral and transportation expenses	Rs. 15,000/-

The deceased left behind family consisting of her husband and five children aged between 16 to 27 years. A house maker has multifarious

duties to perform. There is nothing on record suggestive of the fact that deceased had any disability to impair her capacity to perform household work and provide care, comfort, advice etc. to her family members.

Taking a clue from minimum wage available at the relevant time coupled with that job of house maker is tardy and round the clock, value of services of the deceased is assessed at Rs. 9000/- per month. No deduction for personal expenses is made, in the light of Division Bench judgment of this Court **Paramjit Singh and another vs. Dilbag Singh @ Bagga and others 2014(4) RCR(Civil) 895**. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs. 9000 x 12 x13=14,04,000/-. Compensation awarded under conventional heads is correct and affirmed.

Total compensation is Rs.14,59,000/- and the additional amount is Rs. - 7,02,000/-(14,59,000-7,57,000), payable with interest @ 7.5% per annum from the date of petition till realization to Reena and Baby, daughters of the deceased in equal ratio, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

11.12.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No