

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

Date of decision: 07.02.2019

FAO No.5345 of 2011 (O&M)

Sohan Singh and others

... Appellants

Versus

Pepsu Road Transport Corporation and others

... Respondents

FAO No.5348 of 2011 (O&M)

Sohan Singh

... Appellant

Versus

Pepsu Road Transport Corporation and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Sahil Garg, Advocate for
Mr. Sumit Jain, Advocate
for respondents No.1 and 2.

Ms. Navneet Kaur, Advocate for
Mr. G.S. Nahel, Advocate
for respondent No.3.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.5345 and 5348 of 2011 as these have emerged out of the same accident that took place on 28.10.2006 in which Smt. Harvinder Kaur wife of Sohan Singh sustained injuries that proved fatal and Sohan Singh also sustained injuries in the occurrence.

FAO No.5345 of 2011 has been filed by the claimants seeking

enhancement of compensation in regard to death of Smt. Harvinder Kaur whereas the other appeal has been preferred by injured-claimant Sohan Singh.

FAO No.5345 of 2011

The Tribunal has awarded compensation of Rs.2,66,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.3000/-
2. Multiplier	11
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.2,64,000/-
5. Expenses on funeral	Rs.2000/-

The plea of claimants is that deceased was employed as Teacher at Chopra Public Senior Secondary School, Machhiwara at salary of Rs.3000/- per month. She had been earning Rs.2000/- from tuition work and rendering service to the family worth Rs.3500/- per month. The Tribunal, in para 25 of the award, has noticed that claimants have not produced any document to prove employment of deceased Harvinder Kaur. As such, the Tribunal assessed loss of her services @ Rs.3000/- per month. Taking a clue from the notification issued by the State of Punjab fixing minimum wage at the relevant time coupled with that a housemaker has multifarious duties to perform particularly in the circumstances that the deceased left behind a family consisting of her husband, two sons and a daughter, value of services of the deceased is assessed at Rs.5000/- per month. There would not be any deduction for personal expenses in the light of Division Bench judgment of this Court **Paramjit Singh and another**

Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730. The deceased was less than 50 years of age, therefore, admissible multiplier is 13. In this manner, loss of dependency is calculated at Rs.7,80,000/- (5000 x 12 x 13).

Under conventional heads, claimants shall be entitle to Rs.15,000/- for funeral expenses and Rs.40,000/- for loss of consortium to Sohan Singh.

Total compensation is Rs.8,35,000/- and the additional amount is Rs.5,69,000/- (8,35,000 - 2,66,000), payable with interest @ 7.5% per annum from the date of petition till realization, to the claimants, in terms of the award passed by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

FAO No.5348 of 2011

With regard to injuries sustained by Sohan Singh, the Tribunal has awarded a sum of Rs.21,000/-, detailed hereunder:-

1. Medical expenses	Rs.5000/-
2. Special diet	Rs.5000/-
3. Loss of amenities	Rs.5000/-
4. Attendant charges	Rs.5000/-
5. Loss of income	Rs.1000/-

In para 20 of the award, the Tribunal has noticed that Manoj Davis AW2 did not appear for his cross examination, therefore, his testimony cannot be taken into consideration nor the documents marked as Exs.A1 to A4 in his statement can be read into evidence. Sohan Singh claimant appeared in the witness box and deposed that he remained

admitted in CMC Hospital, Ludhiana from 28.10.2006 to 04.11.2006 and operation for plating his right leg was conducted there. He visited CMC Hospital, Ludhiana as OPD patient for about 10/12 times by taxi. Taking into consideration the materials on record, the claimant is held entitle to additional amount of Rs.15,000/-, payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

07.02.2019

ashok

(REKHA MITTAL)
JUDGE

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