

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

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Date of decision: 12.04.2019

FAO-2868-2012 (O&M)

Smt. Devi and others

... Appellants

Versus

Surender Singh and others

... Respondents

FAO-3412-2012 (O&M)

Hari Singh

... Appellant

Versus

Surender Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Anil Bansal, Advocate for
Mr. Sansar Kundu, Advocate for respondent No.1.
Mr. Vinod Chaudhri, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2868 and 3412 of 2012 as these have emerged out of the same award dated 22.02.2011 passed by the Motor Accidents Claims Tribunal, Jind whereby compensation has been assessed on account of deaths of Ram Chander and Maya Devi in a motor vehicular accident that took place on 07.12.2010.

FAO No.2868 of 2012

The Tribunal has awarded Rs.6,17,500/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	15
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.6,07,500/-
5. Expenses on last rites & transportation and loss of consortium	Rs.10,000/-

The Tribunal, in para 30 of the award, had held that the deceased was a trained driver and assessed dependency at Rs.4500/- per month. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.4700/- per month. Claimants shall be entitle to addition in income for future prospects @ 25%. Deduction for personal expenses and multiplier

applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.7,93,125/- [(4700 x 12 x 15) + (25% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/-, detailed hereunder:-

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

Total compensation is Rs.8,63,125/- and the additional amount is Rs.2,45,625/- (8,63,125 - 6,17,500), payable with interest @ 7.5% per annum from the date of petition till realization, to minor children 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.

FAO No.3412 of 2012

With regard to death of Smt. Maya Devi aged about 55/56 years, the Tribunal has awarded Rs.1,54,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.3000/-
2. Multiplier	8
3. Deduction for personal expenses	50%
4. Loss of dependency to claimant No.1	Rs.1,44,000/-
5. Expenses on funeral, transportation and loss of consortium	Rs.10,000/-

Taking a clue from notification issued by the State of Haryana fixing minimum wage coupled with that a house-maker has multifarious duties to perform, value of services of the deceased is assessed at Rs.4500/- per month. No deduction for personal expenses would be made 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**. There is no clear evidence with regard to age of the deceased. However, the Tribunal has assessed her age around 55/56 years. The admissible multiplier would be 11. In this manner, loss of dependency is calculated at Rs.5,94,000/- (4500 x 12 x 11).

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

- | | |
|---------------------------|-------------|
| 1. Expenses on last rites | Rs.15,000/- |
| 2. Loss of consortium | Rs.40,000/- |

Total compensation is Rs.6,49,000/- and the additional amount is Rs.4,95,000/- (6,49,000 - 1,54,000), payable with interest @ 7.5% per annum from the date of petition till realization, in terms of the award.

The insurance company shall be entitle to have right of recovery against the insured in view of decision of this Court in **United India Insurance Co. Ltd. Vs. Devi and others, FAO No.4175 of 2012 along with connected case, decided on 08.10.2018**, in both the appeals.

The appeal is partly allowed in the aforesaid terms.

12.04.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No