

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

-.-

FAO 1982 of 2016 (O&M)

Date of decision: 18.10.2019

Gurjit Singh etc.

.....Appellants

Versus

Nirmal Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Pardeep Rajput, Advocate
for the appellants

Mr. Sandeep Suri, Advocate and
Brig B S Tanunque, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Kulwinder Kaur in a motor vehicular accident that took place on 07.10.2013.

The Tribunal awarded Rs.7,37,000/-, detailed hereunder:-

-Monthly value of services of the deceased	Rs.3,000/-
-Multiplier	17
-Loss of dependency	Rs.6,12,000/-
-Loss of consortium	Rs.1,00,000/-
-Funeral expenses	Rs.25,000/-

The claim has been filed by husband and minor son of deceased Kulwinder Kaur aged about 28 years but in the post mortem report, her age is mentioned as 30 years.

Taking a clue from notification issued by the State of Punjab

fixing minimum wage coupled with that a house maker has multifarious duties to perform, value of services of deceased is assessed at Rs.7,500/- per month. Multiplier applied by the Tribunal is correct and affirmed. As such, loss of dependency comes to Rs.15,30,000/- (7,500 x 12 x 17).

Under conventional heads, claimants shall be entitle to Rs.55,000.00 (Rs.40,000.00 for loss of consortium and Rs.15,000.00 funeral expenses), in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

In view of the above, total compensation is Rs.15,85,000/- and additional amount is Rs.8,48,000/- (15,85,000-7,37,000), payable to Jaspreet Singh (minor) along with interest at the rate of 7.5% per annum from the date of petition till realization, to be invested in fixed deposit till he attains majority or for a period of three years which ever is later .

The Tribunal has allowed interest @ 6% per annum only if the amount of compensation is not deposited within three months. The Tribunal has not assigned any reason to extend this concession to the insurance Company or deny interest to claimants from the date of application.

The appellants shall be entitle to interest on compensation assessed by the Tribunal @ 7.5% per annum from the date of filing of claim application till realization. However, the amount of interest shall be released in favour of Gurjit Singh, husband of the deceased.

(Rekha Mittal)
Judge

18.10.2019
mohan bimbura

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No