

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

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FAO No.2367 of 2016 (O&M)

Date of decision: 24.05.2019

MAMTA AND ORS

... Appellants

Versus

RENU PARKASH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Inder Pal Singh, Advocate for
Mr. Arvind K. Yadav, Advocate for the appellants.

Mr. DK Prajapati, Advocate
for the insurance company.

REKHA MITTAL, J. (Oral)

CM-8582-CII of 2016

Prayer in this application is for condonation of delay of 169 days in filing the appeal.

In view of averments made in the application supported by an affidavit of appellant No.5-Partap R. Arya coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 169 days in filing the appeal is condoned subject to the condition that the claimants shall forgo interest for the period of delay, in case compensation is enhanced.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Ganga Devi in a motor vehicular accident that took place on 02.02.2012.

The Tribunal awarded Rs.5,90,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.4000/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.5,40,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of love and affection	Rs.25,000/-

The deceased left behind family consisting of four children aged 20, 23, 25 and 28 years besides her husband. A house-maker has

multifarious duties to perform and she cannot be equated with a casual labour. She is available to the family round the clock rendering onerous and charitable services. Accordingly, value of services of the deceased is assessed at Rs.7500/- 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**. As the deceased was 48 years old, admissible multiplier is 13. In this manner, loss of dependency is calculated at Rs.11,70,000/- (7500 x 12 x 13).

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.12,25,000/- and the additional amount is Rs.6,35,000/- (12,25,000 - 5,90,000) payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 169 days in filing the appeal, in favour of husband of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

24.05.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No