In the High Court of Punjab and Haryana at Chandigarh

FAO- 2796 of 2016(O&M)
Date of Decision: 2.4.2019

Mangal Singh and others

---Appellants

versus

Veer Singh @ Raju and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Gagandeep Singh, Advocate
for the appellants

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Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Smt. Gurinder Kaur in a motor vehicular accident that took place on 8.12.2014.

Insurance company has been served but remains unrepresented.

The Motor Accidents Claims Tribunal,Amritsar (in short "the Tribunal") has awarded Rs. 6,16,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 3000/-
Multiplier	16
Loss of dependency	Rs. 5,76,000/-
Loss of consortium	Rs. 10,000/-
Funeral expenses	Rs. 25,000/-
Loss of estate	Rs. 5000/-

Counsel for the appellants would argue that value of services of the deceased assessed by the Tribunal is on extremely lower side and needs enhancement. In support of his contention, he has relied upon judgment of this court **United India Insurance Company Limited vs. Sube Singh and others, FAO- 218 of 2014 decided on 15.1.2014** and SLP filed against that judgment is stated to be dismissed by Hon'ble the Supreme Court. He has further prayed for allowing adequate compensation under conventional heads.

The deceased was in the age bracket 31-35 years. She left behind family consisting of her husband, two minor children and all of them have claimed compensation. 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 the deceased is assessed at Rs. 9000/- per month. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs. 9000X12x16=17,28,000/-.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 55,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034,** detailed hereunder:-

Loss of consortium	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-

Total compensation is Rs. 17,83,000/- and the additional amount is Rs. 11,67,000/- (17,83,000-6,16,000), payable with interest @ 7.5% per annum from the date of petition till realization to children of the deceased, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later. The interest accruing on the FDRs shall be paid to their father for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

2.4.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No