

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

227

FAO-5792-2015 (O&M)

Date of decision: 11.02.2019

SATBIR AND ORS

... Appellants

Versus

YOGENDER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vijay Sangwan, Advocate for the appellants.
Mr. Karminder Singh, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Mousam @ Mousmi in a motor vehicular accident that took place on 08.04.2014.

The Tribunal has awarded compensation of Rs.7,73,800/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.5200/-
2. Multiplier	16
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.7,48,800/-
5. Expenses on funeral	Rs.25,000/-

The plea of claimants is that the deceased was earning Rs.15,000/- per month by doing stitching, sewing and embroidery work and was also household lady. The claimants examined Jagmal Lambardar who filed his affidavit to the effect that Mousam @ Mousmi was a tenant under him and she was having income from embroidery, stitching and sewing work. However, the claimants did not examine any customer who had ever availed services of the deceased for getting any such work from her. Nevertheless, taking a clue from the minimum wage available at the relevant time coupled with that a housemaker has multifarious duties to perform along with the fact that the deceased has left behind family consisting of her husband and four minor children, value of her services is assessed at Rs.6500/- 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. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs.12,48,000/ (6500 x 12 x 16).

Under conventional heads, 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.13,03,000/- and the additional amount is Rs.5,29,200/- (13,03,000 - 7,73,800), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by claimants No.3 to 5 in the ratio 20:30:50, 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.

11.02.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No