

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.6064 of 2015 (O&M)

Date of Decision.28.11.2019

Suresh

...Appellant

Vs

Balihar Singh and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Sonia G. Singh, Advocate
for the appellant.

Mr. S.S. Sidhu, Advocate
for the insurance company.

:-

JAISHREE THAKUR J. (ORAL)

C.M. No.19249-CII of 2015

For the reasons stated in the application, delay of 87 days in
filing of the appeal is condoned.

Application is allowed.

FAO No.6064 of 2015

1. This is an appeal that has been filed seeking enhancement of
compensation for death of a lady namely Aarti aged 24 years, who died in a
motor vehicular accident that took place on 13.02.2013. She was stated to
be engaged in stitching work and was earning ₹10,000/- per month.

2. The Tribunal while assessing the compensation took income of
the deceased as ₹5000/- per month and allowed 50% increase on the same
towards future prospects. A deduction of 50% was made towards personal
expenses and adopted multiplier of 18 to assess the total compensation at
₹9,30,000/- including ₹1 lakh towards loss of consortium and ₹20,000/- for

funeral expenses along with interest @7.5% per annum from the date of filing of the claim petition till actual realization.

3. Learned counsel for the appellant submits that the Tribunal has erred in making a deduction of 50% towards personal expenses and ought to have taken income of the deceased being a housewife as ₹9000/- as has been assessed by a Coordinate Bench of this Court in the judgment rendered **United India Insurance Co. Ltd. Vs. Sube Singh and others** in FAO No.218 of 2014 passed on 15.01.2014, thus, there is scope for enhancement.

4. Per contra, learned counsel appearing on behalf of the insurance company submits that the Tribunal has wrongly provided 50% future prospects on income as assessed and the loss of consortium for a sum of ₹1 lakh is also on higher side. Therefore, there is no scope for enhancement and prays for dismissal of the appeal.

5. I have heard learned counsel for the parties and have perused the paper book. In my view, the Tribunal has wrongly applied the formula for assessing compensation in case of death of a housewife and therefore, the same is required to be recalculated. A Coordinate Bench of this Court in **Sube Singh's** case (supra) while noting the fact that the Hon'ble Supreme Court in **Lata Wadhwa and others Vs. State of Bihar and others 2001 (4) RCR (Civil) 673** for an accident that took place in the year 1981, assessed the value of services of a household at ₹3000/- per month and further observing that a housewife is more than a skilled worker, upheld the notional income taken by the Tribunal at ₹9000/- per month and dismissed the appeal of the insurance company. Therefore, income of the deceased-housewife is assessed as ₹9000/- per month and multiplier of 18 is adopted suitable to the age of the deceased, who was 24 years of age at the time of

accident. A sum of ₹55,000/- is also added to the same towards loss of consortium and funeral expenses.

6. In all, the compensation payable shall be ₹19,99,000/-, which is rounded off to ₹20 lakhs. The amount in excess over what has already been provided by the Tribunal shall also attract interest @7.5% from the date of filing of the claim petition till its realization. The liability shall remain the same as has been fastened by the Tribunal.

7. The award passed by the Tribunal is modified and the appeal is allowed to the above extent.

(JAISHREE THAKUR)
JUDGE

November 28, 2019
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No