

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

240

FAO-5157-2016 (O&M)

Date of decision: 11.07.2019

SANJEEV KUMAR THROUGH HIS LRS & ORS ... Appellants

Versus

SUKHWINDER SINGH & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashish Gupta, Advocate for the appellants.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Kanta Rani in a motor vehicular accident that took place on 12.10.2014.

The claim was preferred by the husband and two children of the deceased but unfortunately Sanjeev Kumar, husband of the deceased also died during pendency of claim proceedings before the Tribunal.

The Tribunal awarded Rs.6,97,000/-, detailed hereunder:-

Monthly value of services of the deceased	Rs.4000/-
Multiplier	14
Loss of dependency	Rs.6,72,000/-
Expenses on funeral	Rs.25,000/-

Taking into consideration minimum wage at the relevant time coupled with that a house-maker has multifarious duties to perform who left behind family consisting of her husband and two children aged 21 and 19 years in lurch, when examined in the light of judgment of this Court **United India Insurance Co. Ltd. Vs. Sube Singh and ors., FAO No.218 of 2014, decided on 15.01.2014** affirmed by Hon'ble the Supreme Court in SLP(C) No.024916/2014, value of services of the deceased is assessed at Rs.9000/- per month. Multiplier applied by the Tribunal is correct and affirmed. 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**. In this manner, loss of dependency is calculated at Rs.15,12,000/- (9000 x 12 x 14).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to

Rs.55,000/-, detailed hereunder:-

1. Loss of consortium Rs.40,000/-

2. Funeral expenses Rs.15,000/-

Total compensation is Rs.15,67,000/- and the additional amount is Rs.8,70,000/- (15,67,000 - 6,97,000), payable with interest @ 7.5% per annum from the date of petition till realization, to be shared by children of the deceased in equal ratio.

The appeal is partly allowed in the aforesaid terms.

11.07.2019

ashok

Whether speaking/reasoned:

Whether reportable:

(REKHA MITTAL)

JUDGE

Yes / No

Yes / No