

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

FAO No. 6254 of 2015(O&M)

Date of decision: 30.8.2019

Rohit Kumar and anotherAppellants

VERSUS

Ajit Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vikram Singh Rao, Advocate for the appellants.

Mr. R.K. Bashamboo, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.19724-CII of 2015

Prayer in this application is for condoning delay of 7 days in re-filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Rohit Kumar, the appellant, the application is allowed. Delay of 7 days in re-filing the appeal stands condoned.

Disposed of accordingly.

FAO No.6254 of 2015

Claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Rewari (in short 'the Tribunal') on account of death of Nitu @ Riya in a motor vehicular accident that took place on 30.03.2014.

The Tribunal awarded Rs.8,45,000/-, detailed hereunder:-

Monthly income of the deceased Rs.5000/-

Deduction for personal expenses 1/3rd

Multiplier	18
Loss of dependency	Rs.7,20,000/-
Funeral expenses	Rs.25000/-
Loss of consortium to the spouse	Rs.1,00,000/-

The deceased was working as PRT Teacher in M.L.P. School, Maheshwari at salary of Rs.4000/- per month and by extending benefit of Rs.1000/- more towards her income from tuition, the Tribunal has assessed her income from profession at Rs.5000/- per month. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency qua income of the deceased from profession is calculated at Rs.10,08,000/- [Rs.10,80,000/- (Rs.5000 x 12 x 18) + Rs.4,32,000/- (40% addition towards future prospects) – Rs.5,04,000/- (1/3rd deduction towards personal expenses)].

Even though the deceased was working as a Teacher and taking tuition classes, there is nothing on record suggestive of the fact that she was not rendering services to her family. Claimants shall be entitle to compensation qua value of services of deceased at Rs.2000/- 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**. After applying multiplier of 18, loss of dependency qua loss of services as a house-maker is calculated at Rs.4,32,000/- (Rs.2000 x 12 x 18).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/- detailed hereunder:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation is Rs.15,10,000/- and additional amount is Rs.6,65,000/- (Rs.15,10,000/- - Rs.8,45,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to be shared by the claimants in the ratio 70: 30, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

AUGUST 30, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no