

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

223

FAO-6926-2015

Date of Decision : September 23, 2019

PRITAM LAL AND ORS

.....Appellants

VERSUS

BALBIR AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Govind Chauhan, Advocate for the appellants.

Mr. Sandeep Suri, Advocate
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Karnal (for short the 'Tribunal') vide award dated 17.1.2015.

While praying for enhancement of the compensation awarded by the Tribunal, learned counsel for the appellants submitted that the deceased was a housewife and the income assessed is on the lower side. Further, the deduction has been wrongly applied when no future prospects have been granted.

Heard.

It should have been assessed as Rs.3000/- taking into account the judgment rendered in the case of **Lata Wadhwa and others Vs. State of Bihar and others**, reported as 2001(4) RCR(Civil) 673 wherein the Hon'ble Supreme Court evaluated the contribution of a housewife and assessed the income as Rs.3000/- per month.

Learned counsel for the respondent-Insurance Company does not dispute the legal position qua the income and as also that no deduction could have been applied.

In view of the admitted position, the impugned award requires to be modified as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Income	Rs.3000/- p.m. x 12 = Rs.36,000/-
2	Multiplier	Rs.36,000 x 15 = Rs.5,40,000/-
3	Funeral expenses	Rs.20,000/-
4	Loss of love and affection	Rs.50,000/-
5	Hospitalization, pain and suffering	Rs.50,000/-
6	Special diet	Rs.5,000/-
7	Transportation	Rs.5,000/-
8	Loss of consortium	Rs.1,00,000/-
9	Total	Rs.7,70,000/-
10	Compensation awarded by the Tribunal	Rs.5,45,000/-
11	Differences	Rs.2,25,000/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.2,25,000/- be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till its realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

September 23, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No