IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

233 FAO-6027-2016 (O&M)

Date of decision: 17.12.2019

BALKAR SINGH & ORS ... Appellants

Versus

BAJRANGI KUMAR & ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Nonish Kumar, Advocate for the appellants.
Mr. RK Bashamboo, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Baby in a motor vehicular accident that took place on 13.10.2014.

The Tribunal awarded Rs.13,86,800/-, detailed hereunder:-

Monthly value of services of deceased	Rs.8100/-
Multiplier	16
Deduction for personal expenses	1/3rd
Loss of dependency	Rs.10,36,800/-
Expenses on funeral	Rs.50,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection	Rs.2,00,000/-

Counsel for the appellants would argue that income of the deceased assessed by the Tribunal is on lower side and merits enhancement.

Counsel representing the insurance company, on the contrary, would argue that compensation allowed under conventional heads needs modification. For this purpose, reference has been made to judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**.

The plea of claimants is that deceased was doing the entire household work and also stitching at home thereby earning Rs.10,000/- per month. The Tribunal did not accept contention of the claimants with regard to the deceased doing stitching work and had a source of income. However, in view of Deputy Commissioner's rates prevalent at that time, income has been assessed at Rs.8100/- per month. The deceased left behind family consisting of her husband and two minor sons aged 17 and 14 years. When the case is examined in the light of judgment of this Court **United India Insurance Company Limited Vs. Sube Singh and others, FAO No.218 of 2014**, value of services of the deceased is assessed at Rs.9000/- 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.17,28,000/- (9000 x 12 x 16) .

Under conventional heads, compensation awarded is modified to the effect that 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.17,83,000/- and additional amount is Rs.3,96,200/- (17,83,000 - 13,86,800), payable with interest @ 7.5% per annum from the date of petition till realization, to sons of the deceased in equal share, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

17.12.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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