

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

**F.A.O. No.7624 of 2015(O&M)
Date of Decision: 08.02.2019**

Satbir Singh

.....Appellant

Versus

Anil Kumar and others

..... Respondents.

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Hemen Aggarwal, Advocate
for the appellant.

Mr. S.P.Arora, Advocate
for respondent no.3.

LISA GILL, J.

Appellant-claimant, seeks enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Rohtak (for short 'tribunal'), vide impugned award dated 20.05.2015, on account of death of Bhanmati.

As per the averments in the claim petition under Section 166 of the Motor Vehicles Act (for short 'M.V.Act'), Bhanmati (deceased) on 14.08.2013 at about 06.15.p.m., was going from her house to the village pond. Appellant-Satbir Singh was proceeding behind her. When, Bhanmati was crossing the road near bus stand of the village, a truck bearing registration no. HR-39-C-3018, driven by respondent no.1, in a rash and negligent manner, came from the side of Village Bainsi and struck against her. As a result thereof, she fell on the road, her head and chest was crushed and she died. After causing the accident, respondent no.1 fled from the spot. Appellant-Satbir Singh took his wife to hospital, where her postmortem was

conducted. FIR No.271 dated 14.08.2013, under Sections 279, 304-A, IPC was registered at Police Station Meham, against respondent no.1-Anil Kumar, in this respect. Claimant sought compensation on account of death of his wife.

Learned Tribunal concluded that the accident in question was caused due to rash and negligent driving of the offending vehicle by respondent no.1-Anil Kumar. Said finding of the learned tribunal has attained finality.

Income of the deceased was assessed as ₹6000/- per month. Multiplier of 12 was applied by the learned tribunal. A sum of ₹24,000/- was awarded on account of funeral expenses. Deduction of 1/4th was applied. Learned tribunal awarded a total sum of ₹6,00,000/- along with interest @ 8% per annum from the date of filing of the claim petition till realisation of the amount to the claimant.

Aggrieved of the quantum of compensation, claimant has filed this appeal.

Learned counsel for the appellant argues that income of the deceased has been wrongly assessed as ₹6000/- per month. Income should be enhanced, though it is fairly stated that multiplier of 11 should have been applied by the learned tribunal. It is contended that no deduction is to be effected in this case. Moreover, compensation under the conventional heads is meagre. It is, thus, prayed that compensation awarded to the appellant-claimant be enhanced in terms of the judgements of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R.(Civil) 1009**

Learned counsel for respondent no.3-Insurance Company, while refuting the above arguments, submits that compensation has been reasonably assessed by the learned tribunal and there is no scope for any enhancement. Learned counsel prays for dismissal of the appeal.

I have perused the file and heard learned counsel for the parties.

There is no dispute regarding the death of Bhanmati in a motor vehicle accident which took place on 14.08.2013, due to rash and negligent driving of truck by its driver-respondent no.1-Anil Kumar. The said finding has attained finality. In FAO No.218 of 2014, income of a housewife assessed as ₹9000/- per month has been upheld. In respect to an accident which took place in January 2013, notional income of a housewife has been assessed as ₹9000/- p.m., in FAO No. 652 of 2015. Similar is the case in FAO No. 3939 of 2015. In the instant case, accident took place on 14.08.2013. As per the claimant's case, the deceased was helping him in dairy farming and agricultural work. It is thus considered appropriate to assess her income as ₹9000/- per month.

In view of the guidelines of the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), increase on account of future prospects at the rate of 10% (₹900/-) is afforded as the deceased was 55 years old at the time of accident, which takes the income of the deceased to ₹9900/- per month. In terms of judgment of Division of this Court in **Paramjit Singh and another versus Dilbagh Singh @ Bagga and others 2014 (4) RCR (Civil) 895**, no deduction is to be effected in the compensation to be awarded in the case of death of a house-wife. Applying a multiplier of 11, dependancy of the claimant is, therefore, assessed as ₹13,06,800/- (₹9900/-x 12 x 11). Claimant

is also entitled to ₹15,000/- each for funeral expenses and loss of estate besides the claimant – husband is also entitled to ₹40,000/- on account of loss of consortium. Claimant is, thus, entitled to total compensation of ₹13,40,800/- detailed as under:-

Loss of dependency (₹9900/-x12x15)	₹13,06,800/-
Loss of consortium	₹40,000/-
Loss of estate	₹15,000/-
Funeral expenses	₹15,000/-
Total	₹13,40,800/-

Claimant shall be entitled to interest on the compensation amount at the rate of 7.5% per annum from the date of filing of petition till realization. Needless to say the amount, if any, already disbursed to the claimant shall stand deducted. Directions of the Tribunal in respect to manner of disbursement of compensation amount to the claimant, shall enure.

With the abovesaid modification in the amount of compensation, present appeal is disposed of.

08.02.2019
s.khan

[LISA GILL]
Judge

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