

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

245

FAO-4221-2017 (O&M)

Date of decision: 13.09.2019

RAM MEHAR @ RAM KUMAR

... Appellant

Versus

DHARAMBIR AND OTHERS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Monika Singh, Advocate for the appellant.
Mr. Vinod Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Rajpati in a motor vehicular accident that took place on 07.01.2014.

The Tribunal awarded Rs.4,10,400/-, detailed hereunder:-

Monthly income of the deceased	Rs.3300/-
Multiplier	11
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.2,90,400/-
Expenses on funeral	Rs.20,000/-
Loss of love and affection	Rs.1,00,000/-

The plea of claimant is that deceased was doing work of selling milk and making garam masala thereby earning Rs.3300/- per month. However, he failed to adduce any evidence with regard to deceased being involved in any commercial activity. Even if the deceased is held to be a house-maker, value of her services needs to be assessed. Taking a clue from notification issued by the State of Haryana fixing minimum wage at the relevant time coupled with that a house-maker has multifarious duties to perform, loss of services of the deceased is assessed at Rs.7500/- 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.9,90,000/- (7500 x 12 x 11).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that claimant 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.10,45,000/- and additional amount is Rs.6,34,600/- (10,45,000 - 4,10,400), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

13.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No