

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

**Date of decision: 21.8.2019**

1.

**FAO No. 4343 of 2017(O&M)**

Razzak

.....Appellant

VERSUS

Sunil Kumar and others

.....Respondents

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2.

**FAO No. 4379 of 2017(O&M)**

Manisha and others

.....Appellants

VERSUS

Sunil Kumar and others

.....Respondents

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**CORAM:**    **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present:     Mr. Naren Partap Singh, Advocate for the appellants.

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**REKHA MITTAL, J.(Oral)**

This order will dispose of FAO Nos.4343 and 4379 of 2017 as these have emerged out of the same award dated 9.1.2017 passed by the Motor Accidents Claims Tribunal, Bhiwani (in short 'the Tribunal') whereby compensation has been assessed on account of injuries sustained by Razzak, Manisha and death of Raj Bala in a motor vehicular accident that took place on 29.11.2014.

FAO No.4343 of 2017 has been filed by Razzak, the injured and the other appeal has been preferred by Manisha and others seeking enhancement of compensation.

**FAO No.4343 of 2017**

Counsel for the appellant would argue that compensation awarded under various heads is inadequate and needs enhancement. It is argued that no compensation has been allowed for special diet and attendant charges.

Perusal of findings of the Tribunal, in para 22 of the award, would reveal that the claimant produced bills/receipts valuing Rs.5,000/- marked as Exs.PW3/A and PW3/B. He remained hospitalized for a period of 5 days. The Tribunal has awarded a sum of Rs.5,000/- for hospitalization but no such head for grant of compensation in an injury case much less a case where the injured has not suffered disability is available. The amount of Rs.5000/- towards hospitalization would be appropriated towards services of an attendant and special diet. There is no justification for allowing additional compensation under other heads.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed.

**FAO No.4379 of 2017**

The Tribunal awarded Rs.8,06,000/-, detailed hereinbelow:-

|                                 |                   |
|---------------------------------|-------------------|
| Monthly income of the deceased  | Rs.4,000/-        |
| Deduction for personal expenses | 1/4 <sup>th</sup> |
| Multiplier                      | 16                |
| Loss of dependency              | Rs.5,76,000/-     |

|                                                  |               |
|--------------------------------------------------|---------------|
| Funeral expenses                                 | Rs.25,000/-   |
| Loss of consortium                               | Rs.1,00,000/- |
| Loss of estate                                   | Rs.5,000/-    |
| Loss of love and affection for<br>minor children | Rs.1,00,000/- |

The Tribunal, in para 24 of the award, has noticed plea of the claimants that deceased was doing household work, stitching job and sale of milk thereby earning Rs.25,000/- per month but they failed to adduce credible evidence to prove her monthly income. They have not adduced any evidence to prove that the deceased was involved in commercial activity which could be a source of earning for her. In the given circumstances, the deceased would be treated as a house-maker and compensation would be assessed accordingly. 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 along with the fact that deceased left behind family consisting of three minor children, her husband and parents in law, value of services of the deceased is assessed at Rs.8,000/- 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 comes to Rs.15,36,000/- (Rs.8000 x 12 x 16).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to

Rs.55000/- i.e. Rs.40000/- for loss of consortium and Rs.15,000/- for funeral expenses.

In view of the above, total compensation is Rs.15,91,000/- and the additional amount is Rs.7,85,000/- (Rs.15,91,000/- - Rs.8,06,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to minor children of the deceased in equal ratio, to be invested in fixed deposit till they attain the age of majority or for a period of 3 years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

|                           |   |                       |
|---------------------------|---|-----------------------|
| <b>AUGUST 21, 2019</b>    |   | <b>(REKHA MITTAL)</b> |
| ‘D. Gulati’               |   | <b>JUDGE</b>          |
| Whether speaking/reasoned | : | yes/no                |
| Whether reportable        | : | yes/no                |