

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO No.4423 of 2017 (O&M)

Date of decision: 28.11.2019

KARNAIL SINGH AND ORS

... Appellants

Versus

SHALINDER KUMAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sahil Abhi, Advocate for the appellants.
Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-13426-CII-2017

Heard.

Allowed as prayed for. Delay of 83 days in filing the appeal stands condoned.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Ravinder Kaur in a motor vehicular accident that took place on 13.12.2013.

The Tribunal awarded Rs.6,00,000/-, detailed hereunder:-

Monthly notional income of deceased	Rs.4000/-
Multiplier	15
Deduction for personal expenses	Rs.1500/-
Loss of dependency	Rs.4,50,000/-
Expenses on funeral	Rs.20,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection	Rs.30,000/-

The deceased was born on 01.09.1976, thus, 37 years old at the time of unfortunate occurrence. The application for compensation has been filed by the husband and three minor children of the deceased. A house-maker has multifarious duties to perform. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time coupled with that a house-maker is available to the family round the clock, notional income 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.16,20,000/- (9000 x 12 x 15).

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.16,75,000/- and additional amount is Rs.10,75,000/- (16,75,000 - 6,00,000), payable with interest @ 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 majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

28.11.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No