

FAO- 2489 of 2018 (O&M)
Date of Decision: 4.9.2019

Sadhari alias Sadhare and another

---Appellants

versus

Balwant Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Harmandeep Kaur, Advocate
for Mr. Pankaj Mehta Advocate
for the appellant

Rekha Mittal, J.

Insurance company has been served but remains unrepresented.

The claimants are in appeal seeking enhancement of compensation on account of death of Munni Devi in a motor vehicular accident that took place on 8.10.2015.

The Motor Accidents Claims Tribunal, Hisar (in short “the Tribunal”) awarded Rs.7,29,000/-, detailed hereunder:-

Monthly loss of value of services of the deceased	Rs. 3000/-
Multiplier	14
Loss of dependency	5,04,000/-
Loss of consortium to husband	Rs. 1,00,000/-
Loss of love and affection to claimant No. 2	Rs. 1,00,000/-
Expenses on transportation of dead body and last rites	Rs. 25,000/-

The deceased was held to be 45 years old at the time of unfortunate occurrence. Though the Tribunal has noticed that services of a house maker are available to family round the clock but still the Tribunal for the reasons best known has assessed her income at Rs. 3000/- per month.

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 and available to the family round the clock, value of services of deceased is assessed at Rs. 9000/- per month. Multiplier applied by the Tribunal is correct and affirmed. In this manner, loss of dependency is calculated at Rs. $9000 \times 12 \times 14 = 15,12,000/-$.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs. 55,000/-, detailed hereunder:-

Loss of consortium to husband Rs. 40,000/-

Funeral expenses Rs. 15,000/-

Total compensation is Rs. 15,67,000/- and the additional amount is Rs. 8,38,000/- ($15,67,000 - 7,29,000$), payable with interest @ 7.5% per annum from the date of petition till realization to be shared by the claimants equally, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

4.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No