

In the High Court of Punjab and Haryana at Chandigarh

FAO-5185 of 2018 (O&M)
Date of Decision:23.10.2019

Sandeep Kumar (since deceased) through Lrs and another
---Appellants

vs.

Anil Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Inderjit Sharma, Advocate for the appellants
Mr. R.S.Sharma, Advocate for respondent No. 3

Rekha Mittal, J.

CM No. 17254-CII of 2018

Allowed as prayed for. Delay of 7 days in filing the appeal stands condoned.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Smt. Satya Devi @ Satya Gupta in a motor vehicular accident that took place on 14.6.1995.

The Motor Accidents Claims Tribunal, Kaithal (in short “the Tribunal”) has awarded Rs. 4,44,354/- (rounded off to Rs. 4,44,000/-), detailed hereunder:-

Monthly income of the deceased	Rs. 6914/-
Deduction for personal expenses	50%
Addition in income for future prospects	15%
Multiplier	9
Loss of dependency	Rs. 4,29,354/-

Monthly income of the deceased	Rs. 6914/-
Loss to estate	Rs. 15,000/-

Counsel for the appellants would argue that the Tribunal has awarded interest from the date of award in place of from the date of filing of petition in the year 1998. He would apprise that earlier the application for compensation was dismissed by the Tribunal vide order dated 24.3.1998. The appellants assailed award dated 24.3.1998 in FAO No. 1943 of 1998 decided by this Court on 14.7.2017. The award was set aside and the matter was remitted to the Tribunal for decision afresh on merits with a direction to decide the claim petition within a period of six months from the date of receipt of certified copy of the order. It is argued that as delay in decision of the case cannot be attributed to the appellants, they cannot be denied interest on compensation assessed by the Tribunal from the date of filing of claim application till realization.

Another submission made by counsel is that the Tribunal has not awarded any compensation for loss of services of the deceased to her family after closing of school.

Counsel representing the insurance company, on the contrary would argue that claimants are the married sons of deceased Satya Devi @ Satya Gupta and they have been adequately compensated by the Tribunal.

The Tribunal has assessed loss of dependency on the basis of income of the deceased while working as Head Mistress in Government Senior Secondary School, Teek Kaithal at salary of Rs. 6914/- per month. The deceased was 52 years old. There is nothing on record suggestive of the fact that though the deceased was working as Head Mistress in

Government Senior Secondary School, she had not been rendering services to her family. Taking a clue from the minimum wage available at the relevant time coupled with that a house maker has multifarious duties to perform along with the fact that deceased must have been spending large part of her day in discharging her official duties, value of services of the deceased to manage her household affairs and discharge other social obligations is assessed at Rs. 1500/- 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 alias Bagga and others 2014(4)R.C.R.(Civil)895**. Admissible multiplier is 9, as adopted by the Tribunal. In this manner, loss of compensation with regard to value of services of the deceased is Rs.1,62,000/- [1500 x 12 x9].

The Tribunal has awarded interest @ 7% per annum with yearly rest from the date of award till realization. Counsel for the insurance company has failed to advance any convincing arguments to sustain findings of the Tribunal allowing interest from the date of award in place of from the date of filing of application in the year 1996. The claimants cannot be blamed for dismissal of their claim application vide order dated 24.3.1998 that was set aside by this Court vide judgment dated 14.7.2017. As such, appellants shall be entitle to interest on compensation assessed by the Tribunal from the date of filing of claim application till realization. However, interest would be simple interest and not compound interest as has been ordered by the Tribunal. The additional amount of Rs. 1,62,000/- allowed by this court shall carry interest @ 7% per annum from the date of petition till realization, to be shared by the claimants in equal ratio. The

amount falling to share of Sandeep Kumar would be payable to his children

namely Tanya Gupta and Rishabh Gupta in equal ratio.

In view of what has been discussed hereinbefore, the appeal is
partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

23.10.2019

paramjit

Whether speaking/reasoned: Yes

Whether reportable : Yes/No