

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

Date of decision: 14.02.2019

FAO 7940 of 2017 (O&M)

Kamal Singh

....Appellant

versus

Ramesh Kumar and other

.....Respondents

FAO 7951 of 2017 (O&M)

Roop Singh and others

....Appellants

versus

Ramesh Kumar and others

....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Arun Sharma, Advocate
for the appellant

Mr. V Ramswaroop, Advocate
for the insurance company

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as these have emerged out of the same award dated 23.03.2017 passed by the Motor Accidents Claims Tribunal, Ambala (in short, 'the Tribunal') whereby compensation has been assessed on account of death of Bali Devi and injuries sustained by Kamal Singh in a motor vehicular accident that took place on 23.05.2016.

CM 26313 CII of 2017 in FAO No. 7940 of 2017

Prayer in this application is for condoning delay of 89 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments advanced, the application is allowed and delay of 89 days in filing the appeal stands condoned.

FAO No. 7940 of 2017

The claimants are in appeal seeking enhancement of compensation on account of death of Bali Devi wife of Shri Roop Singh.

The Tribunal has awarded Rs.4,51,000.00, detailed hereunder:-

-Monthly value of services of deceased	Rs.3,000.00
-Multiplier	11
-Loss of consortium	Rs.30,000.00
-Funeral expenses	Rs.25,000.00

The application for compensation has been filed by the husband, two sons and one daughter of deceased Bali Devi. 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 to perform multifarious duties, value of services of deceased is assessed at Rs.9,000.00 per month. No deduction for personal expenses is allowed 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 view of the above, loss of dependency is calculated at Rs.11,88,000.00 (9,000 x 12 x 11).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.55,000.00 (Rs.40,000.00 for loss of consortium and Rs.15,000.00

funeral expenses), in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC) 5034*.

Total compensation is Rs.12,43,000.00 and additional amount is Rs.7,92,000.00 (12,43,000.00 – 4,51,000.00) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to be shared by claimants in terms of the award.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

FAO No. 7951 of 2017 (O&M)

The Tribunal has awarded Rs.2,58,341.00, detailed hereunder:-

-Medical expenses	Rs.2,28,341.00
-5% disability	Rs.10,000.00
-Pain and suffering, special diet, transportation expenses	Rs.20,000.00

Counsel for the appellant would argue that compensation to the tune of Rs.20,000.00 under the aforesaid head is inadequate and needs enhancement.

Counsel for the insurance company, on the contrary, has supported assessment made by the Tribunal.

Perusal of findings of the Tribunal would reveal that the injured remained admitted in the Hospital with effect from 23.05.2016 to 27.05.2016 i.e. for a period of five days. In the given circumstances, there is no justification for allowing additional compensation under the aforesaid head. However, the claimant is awarded a sum of Rs.5,000.00 for loss of

income during the period of treatment and recovery. Additional amount of Rs.5,000.00 shall be paid with interest @ 7.5% per annum from the date of petition till realization.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

14.02.2019
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