

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

FAO No. 5485 of 2018(O&M)

Date of decision: 13.2.2019

M/s Kalgidhar Transport Company and othersAppellants

VERSUS

Mohinder Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Sarika Gupta, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

M/s Kalgidhar Transport Company (Regd.) (in short 'the Company'), owner of offending vehicle Bus bearing No.PB08-AG-4155 has filed the instant appeal to assail the award dated 31.10.2017 passed by the Motor Accidents Claims Tribunal, Kapurthala (in short 'the Tribunal') whereby compensation has been assessed on account of death of Gurbaksh Kaur wife of Mohinder Singh in a motor vehicular accident that took place on 13.05.2015.

Counsel for the appellant would inform that the appeal has been preferred to assail quantum of compensation assessed by the Tribunal.

The Tribunal has awarded compensation of Rs.8,18,000/- detailed hereunder:-

Monthly value of services of the deceased	Rs.8000/-
Multiplier	8
Loss of dependency	Rs.7,68,000/-
Loss of love and affection, last rites , transportation charges etc.	Rs.50,000/-

Counsel would urge that value of services of the deceased assessed by the Tribunal is on higher side as the adult sons of deceased cannot be held to be dependent upon services of the deceased. Compensation allowed under conventional heads is stated to be on higher side when examined in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

The deceased left behind her husband, two adult sons aged about 37 years and 35 years. The Tribunal has assessed loss of dependency on the basis of value of services of deceased as a house maker. It is difficult to accept that even if the sons are grown up and married, services of a mother would not be available to them. A house maker has multifarious duties to perform. As has been rightly held by the Tribunal, she is the one who is available for family round the clock to render her services without any returns/expectations. Taking a clue from the minimum wage available at the relevant time along with discussion made hereinbefore, I do not find any reason to interfere in assessment of value of services of deceased at Rs.8000/- per month. The Tribunal has applied multiplier of 8 by treating the deceased in the age bracket of 61-65 years. As per the judgment in **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77,** admissible multiplier for age group of 61-65 years is 7. In the given scenario, a multiplier of 7 is to be applied for assessing loss of dependency. In this manner, loss of dependency is calculated at Rs.6,72,000/- (Rs.8000/- x 12 x 7).

Compensation allowed by the Tribunal under conventional heads would be Rs.55000/- i.e. Rs.40,000/- for loss of consortium to the spouse and Rs.15,000/- for expenses on last rites.

In view of the above, total compensation is Rs.7,27,000/- and the compensation allowed by the Tribunal is reduced to the extent of Rs.91,000/- (Rs.8,18,000/- - Rs.7,27,000/-).

The appeal is partly allowed in the aforesaid terms.

Before parting with this order, it is pertinent to mention here that amount of compensation assessed by the Tribunal has been reduced without notice to the claimants. They would be at liberty to file an appropriate application if they have any grievance to express. It is further clarified that in case the claimants file an appeal for enhancement, any observation made for disposing of the appeal filed by the appellants would not cause prejudice to their right.

FEBRUARY 13, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no