

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

FAO No.5536 of 2016 (O&M)
Date of decision: 29.04.2019

Pushpinder and another

... Appellants

Versus

Gurinderjit Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Bhupinder Gupta, Advocate for
Mr. Vipul Dharmani, Advocate for the appellants.

Mr. RC Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.19008-CII of 2016

Prayer in this application is for condonation of delay of 134 days in filing the appeal.

In view of averments made in the application supported by an affidavit of appellant No.1-Sh. Pushpinder coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 134 days in filing the appeal is condoned subject to the condition that the claimants shall forgo interest for the period of delay, in case compensation is enhanced.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Neelam Sukhraj Bhardwaj in a motor vehicular accident that took place on 06.12.2014.

The Tribunal awarded Rs.7,75,000/-, detailed hereunder:-

1. Monthly value of services of the deceased	Rs.5000/-
2. Multiplier	11
3. Loss of dependency	Rs.6,60,000/-
4. Expenses on last rites	Rs.10,000/-
5. Expenses on transportation	Rs.5000/-
6. Loss of consortium	Rs.1,00,000/-

The claim has been preferred by adult son and husband of the

deceased. The occurrence in question took place in December, 2014. Taking a clue from notification issued by the State of Punjab fixing minimum wage coupled with that a house-maker has multifarious duties to perform and she is available to family round the clock, value of services of the deceased is assessed at Rs.7000/- per month. Multiplier applied by the Tribunal is correct and affirmed. 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**. In this manner, loss of dependency is calculated at Rs.9,24,000/- (7000 x 12 x 11).

Under conventional heads, compensation awarded by the Tribunal 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.9,79,000/- and the additional amount is Rs.2,04,000/- (9,79,000 - 7,75,000), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 134 days in filing the appeal, to be shared by the claimants in the ratio 30:70.

The appeal is partly allowed in the aforesaid terms.

29.04.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No