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

**FAO No.8719 of 2017 (O&M)
Date of Decision : 06.02.2019**

GURMEJ SINGH**....APPELLANT****V/S****ANGREJ SINGH AND OTHERS****....RESPONDENTS****CORAM : HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. Dinesh Mahajan, Advocate for the petitioner.

Mr. Lalit Garg, Advocate
for respondent No.3/*Insurance Company*.

B.S. WALIA, J. (ORAL)**CM No.28227-CII of 2017**

For the reasons as are mentioned in the application, the same is **allowed**. Delay of 67 days in late filing of the appeal is condoned, subject to all just exceptions.

FAO No.8719 of 2017

[1] Appeal has been filed against Award dated 15.03.2017, passed by the learned Motor Accidents Claims Tribunal, Gurdaspur (hereinafter referred to as the Tribunal) seeking enhancement of compensation of Rs.2,90,000/- awarded alongwith interest @ 9% per annum on account of death of Puran Kaur, mother of the appellant.

[2] The learned Tribunal assessed monthly income of the deceased housewife at Rs.6000/- and by imposing deduction of 1/3rd of the income of the

deceased towards her personal expenses awarded total compensation of Rs.2,90,000/- including Rs.50,000/- on account of loss of love and affection and funeral expenses.

[3] Learned counsel for the appellant contended that the income of the deceased housewife was liable to be taken at Rs.9,000/- per month in view of the decision of a Co-ordinate Bench of this Court in *FAO No.218 of 2014*, decided on 15.01.2014 in case titled as '**United India Insurance Company Limited versus Sube Singh and Others**'. Secondly, that the deduction made was not sustainable in view of the decision of a Division Bench of this Court in '**Paramjit Singh and another versus Dilbagh Singh alias Bagga and others**', 2013(3) *Law Herald* 2730. Thirdly, that appropriate compensation payable under the conventional heads had not been awarded.

[4] *Per contra*, learned counsel for respondent No.3 contended that **Sube Singh's** case (*supra*) was distinguishable as in said case, the deceased housewife was 40 years of old, whereas in the instant case, the deceased housewife was 68 years of age. Secondly, that no amount of compensation was payable on account of loss of love and affection.

[5] I have considered the submissions of learned counsel for the parties.

[6] Admittedly, the deceased housewife was 68 years of age. Therefore, in the facts of the case, assessment of the notional contribution of the deceased housewife towards the family at Rs.6000/- per month does not warrant interference. However, deduction made @ 1/3rd of the notional contribution of the deceased towards her personal expenses is unsustainable in the light of decision of a Division Bench of this Court in '**Paramjit Singh's**

loss of love and affection. However, as per paragraph No.61(viii) of the decision in ‘National Insurance Company Limited versus Pranay Sethi and others’, 2014(4) RCR (Civil) 1009, a sum of Rs.15,000/- is payable on account of loss of estate, Rs.15,000/- on account of funeral expenses. Besides Rs.40,000/- is payable on account of loss of parental consortium in accordance with Paragraph No.8.7 of the decision in ‘Magma General Insurance Company Limited versus Nanu Ram alias Chuhru Ram and others’, 2018(4) RCR (Civil) 333. Accordingly, in the light of the position as noted above, the appellant is held entitled to the following compensation:-

Particulars	Assessed by the Tribunal (in Rs.)	Re-assessed by the High Court (in Rs.)
Income assessed	6000/-	60000/-
Add:Future Prospects	NIL	NIL
Deductions	1/3 rd of 60000 = 2000/-	NIL
Total Income	4000/-	6000/-
Multiplier	5	5
Dependency	4000x12x5=2,40,000/-	6000x12x5=3,60,000/-
Funeral Expenses & Loss of Love and Affection	50,000/-	15000/- on account of funeral expenses.
Loss of Estate	NIL	15000/-
Loss of parental consortium	NIL	40000/-
Total compensation	2,90,000/-	4,30,000/-

[7] Accordingly, in the light of the position as noted above, as against compensation of Rs.2,90,000/-, the appellant-claimant is held entitled to award of compensation of Rs.4,30,000/- alongwith interest @ 9% per annum with effect from the date of claim petition, till date of payment, less payment if any, already paid.

Accordingly, appeal is **allowed**, award dated 15.03.2017, passed by the learned Tribunal, Gurdaspur, is **modified** to the extent as noted above.

February 06, 2019
'rajneesh'

(B.S. WALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No