

FAO- 2011 of 2001 (O&M)
Date of Decision: 28.1.2020

Ram Sharan Singh and others

---Appellants

versus

Punjab State and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Armaan Gagneja, Advocate
for Mr. Munish Gupta, Advocate
for the appellants

Mr. A.S.Virk, Advocate,
for Mr. P.S.Thiara, Advocate
for respondent No. 2

Rekha Mittal, J.

The claimants are in appeal seeking additional compensation on account of death of Bhupinder Kaur in a motor vehicular accident that took place on 18.10.1997.

The Motor Accidents Claims Tribunal, Ropar (in short “the Tribunal”) awarded Rs.1,80,000/-. However, in para 8 of the award, it has been mentioned that even if Bhupinder Kaur is treated as daily wage labourer, she might be contributing more than Rs, 1400/- per month for her family and children.

Counsel for the appellants would argue that compensation allowed by the Tribunal is grossly inadequate and needs enhancement by computing loss of dependency after following proper criteria. Claimants are also entitle to compensation under conventional heads.

The occurrence in question took place on 18.10.1997. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time coupled with that a house maker has multifarious duties to perform, income of deceased is assessed at Rs. 2000/- 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 2013 (3) Law Harald 2730**. The deceased was stated to be 35 years old in the claim application. Accordingly, admissible multiplier is 16. In this manner, loss of dependency is calculated at Rs. 3,84,000/- [2000 x12x16].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs. 40,000/-, detailed hereunder:-

Loss of consortium Rs. 30,000/-

Expenses on funeral Rs. 10,000/-

Total compensation is Rs.4,24,000/- and the additional amount is Rs. 2,44,000/-, payable with interest @ 7% per annum from the date of petition till realization, to children of the deceased in equal ratio.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

28.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No