

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

205

FAO-6487-2012 (O&M)

Date of decision: 27.01.2020

JODH SINGH

... Appellant

Versus

RAMESH CHAND AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajeev D. Sharma, Advocate for the appellant.
None for respondent No.1.
Ms. Anamika Mehra, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking additional compensation on account of death of Renu Bala in a motor vehicular accident that took place on 03.06.2009.

The Tribunal awarded Rs.4,78,400/-, detailed hereunder:-

Monthly income of the deceased	Rs.4600/-
Multiplier	13
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.4,78,400/-

The Tribunal has assessed income of the deceased at Rs.4600/- per month by relying upon judgment of Hon'ble the Supreme Court **Arun Kumar Aggarwal and another Vs. National Insurance Co. Ltd. and ors., 2010 (2) Law Herald (Accident Claims) 1169**. Perusal of the judgment in **Arun Kumar Aggarwal's case (supra)** makes it evident that there is no such ratio laid down by Hon'ble the Supreme Court that income cannot be assessed more than 1/3rd of income of husband in any case. 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 the deceased is assessed at Rs.6000/- 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 @ Bagga and others, 2013(3) Law Herald 2730**.

The deceased was born on 08.05.1972 as per date of birth recorded in the matriculation certificate, a copy whereof was supplied

during the course of hearing and same is taken on record. As such, she was less than 40 years of age at the time of occurrence. Accordingly, admissible multiplier is 15. In this manner, loss of dependency is calculated at Rs.10,80,000/- (6000 x 12 x 15).

Under conventional heads, appellant 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.11,35,000/- and additional amount is Rs.6,56,600/- (11,35,000 - 4,78,400) payable with interest @ 7% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

27.01.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No