

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.6000 of 2015 (O&M)

Date of Decision: 15.11.2017

Preet Kamal Dhariwal and others .....Appellants

Vs.

Devinder Singh @ Ghaint and others .....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

**Present:-** Mr.Ashwani Arora, Advocate, for the appellants.

Mr.Vinod Gupta, Advocate, for respondent No.3.

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**RITU BAHRI, J. (ORAL)**

**CM No.18941-CII of 2015**

For the reasons stated in the application, delay of 95 days in filing the appeal is condoned.

Application stands disposed of.

**Main Case**

Present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 13.11.2014, passed by the learned Motor Accident Claims Tribunal, SAS Nagar (Mohali) (for short, 'the Tribunal') vide which compensation to the tune of Rs.8,90,000/- was awarded to the claimants on account of death of Nirmal Kaur wife of Gurnam Singh.

**FACTS NOT IN DISPUTE**

On 08.05.2013, the deceased along with her daughter, was going on Honda Activa Scooter bearing registration No.PB-65-L-0911 to Sohana Side. When they were to cross lights of Section 79-80, in the meantime, one tipper No.HR-68-8987 driven in rash and negligent manner at high speed by respondent No.1 came from the side of Section 70 and it run over said Activa. The dead bodies of deceased and her daughter were pulled out with the help of JCB Machine. A formal FIR has been registered

Ex.P13 in this regard.

**COMPENSATION ASSESSED BY MACT**

The Tribunal held that the deceased was 42 years as per her postmortem report Ex.P-2 and the claimants failed to produce on the record any documentary evidence regarding income of the deceased. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

| Sr.No. | Heads of compensation                       | Amount                              |
|--------|---------------------------------------------|-------------------------------------|
| 1      | Income as House Wife                        | Rs.5,000/-                          |
| 2.     | Annual dependency after applying multiplier | Rs.5,000/- X 12 X 14= Rs.8,40,000/- |
| 3.     | Conventional heads                          | Rs.50,000/-                         |
|        | Total                                       | Rs.8,90,000/-                       |

Learned counsel for the claimant-appellant has argued that the income of a skilled worker in 2012 was approximately Rs.8,000/- and in this regard he has referred to the judgment of the Co-ordinate Bench of this Court in the case of **United India Insurance Company Ltd. Vs. Sube Singh and others** whereby, the deceased was died in a road accident and his notional income was fixed Rs.9,000/- per month being a house wife. It was observed that a housewife is something more than a mere skilled worker it would not be unreasonable to estimate the contribution of the deceased in the present case at a higher figure. In the case of **Lata Wadhwa and others Vs. State of Bihar and others 2001(4)RCR (Civil) 673** where, Hon'ble Supreme Court evaluated the contribution of a house wife at Rs.3,000/- per month.

***RE-ASSESSED COMPENSATION***

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the offending vehicle was fully insured with the Insurance company. Following the ratio of law laid down by Coordinate Bench of this Court in **United India Insurance Company Ltd. Vs. Sube Singh and others (Supra)** and **National Insurance Company Ltd. Vs. Pranay Sethi and others SLP(C) 25590 of 2014 decided on 31.10.2017** the compensation has to be re-assessed as follows:-

|        |                                              |                                                     |
|--------|----------------------------------------------|-----------------------------------------------------|
| Sr.No. | Heads of compensation                        | Amount                                              |
| 1      | Income(As per Sube Singh's judgment)         | Rs.9000/- per month                                 |
| 2.     | Loss of income after applying the multiplier | Rs.9000/- X 12 X 14=<br>Rs.15,12,000/-              |
| 3.     | Conventional Heads                           | Rs.70,000/-                                         |
|        | Total                                        | Rs.15,82,000/-                                      |
|        | Enhanced amount of compensation              | Rs.15,82,000/- ----<br>Rs.8,90,000/-= Rs.6,92,000/- |

Resultantly, the enhanced amount of compensation of Rs.6,92,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 9% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in a case of **Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539**. Remaining conditions of disbursal of amount shall remain unaltered. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

(RITU BAHRI)  
JUDGE

15.11.2017  
anil

*Whether speaking/reasoned Yes/No*

*Whether reportable Yes/No*