IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 25.07.2017

1. FAO No. 3799 of 2017

National Insurance Company Limited ....*Appellant*

Versus

Raghubir and others ....*Respondents*

2. FAO No. 3826 of 2017

National Insurance Company Limited ....*Appellant*

Versus

Bhawana and others ....*Respondents*

3. FAO No. 3875 of 2017

National Insurance Company Limited ....*Appellant*

Versus

Rajesh and others ....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Paul S Saini, Advocate
for the appellant

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Rekha Mittal, J.

This order will dispose of aforesaid appeals as these have emerged out of same award dated 18.01.2017 passed by the Motor Accidents Claims Tribunal (hereinafter to be referred as 'the Tribunal') whereby applications filed under Section 166 of the Motor Vehicles Act, 1988 (in short 'the Act') for grant of compensation in regard to death of Jagvir alias Jaggu son of Shri Raghubir, Seema wife of Rajesh and Gunjan minor were allowed and compensation has been granted.

FAO No. 3799 of 2017

Counsel for the appellant-insurance company has challenged quantum of compensation awarded by the Tribunal primarily on two counts.

The first submission made by counsel is that Jagvir (since deceased) was 19 years old and there is no evidence adduced by the claimants in regard to his income. The Tribunal has assessed his income @ Rs.6,000.00 per month by taking into consideration minimum wage admissible to a casual worker. It is argued that in absence of any evidence that Jagvir was actually working and earning Rs.6,000.00 per month, the Tribunal has faulted by allowing benefit of future prospects to the extent of 30%.

Another submission made by counsel is that the Tribunal has wrongly adopted a multiplier of 18 in the light of age of the deceased in place of as per age of parents of the deceased.

I have heard counsel for the appellant and perused the paper book.

Indisputably, the deceased was 19 years of age. As per plea of the claimants, he was working as a driver and earning Rs.15,000.00 per month. The claimants could not produce any evidence to establish their plea in this regard. The Tribunal by taking into consideration earning of a manual labour assessed his income to the tune of Rs.6,000.00 per month. There is nothing on record to suggest that the deceased was suffering from any disability to work and earn. Had he remained alive, he would not have stagnated at a meager earning of Rs.6,000.00 per month. In this view of the matter, I do not find any merit in contention of the appellant that the claimants were not entitled to benefit of future prospects.

The second submission made by counsel with regard to multiplier is mis-conceived and liable to be rejected. Hon'ble the Supreme Court of India in ***Sarla Verma (Smt) and others v. Delhi Transport Corporation and another, 2009 (3) R.C.R. (Civil) 77*** has laid down as a matter of principle, the multiplier to be adopted in different age brackets. In the said case, the Court also dealt with a case of unmarried person (deceased) while dealing with the question of deduction for personal and living expenses. The learned Tribunal has rightly adopted a multiplier of 18, in view of age of the deceased. For this purpose, reference can be made to judgment of Hon'ble the Supreme Court of India ***Munna Lal Jain and another vs. Vipin Kumar Sharma and others (2015) 6 SCC 347.***

No other point has been raised.

For the foregoing reasons, the appeal fails and is dismissed accordingly.

FAO 3826 of 2017

The sole submission made by counsel is that the Tribunal has assessed income of deceased Seema @ Rs.6,000.00 per month by assuming that she was earning like an unskilled manual labour. At the same time, the Tribunal has allowed addition of 25% in the wages/salary of a non-matriculate making monthly dependency @ Rs.7,500/-. It is argued that in absence of any material on record that the deceased was doing any labour work, compensation is required to be awarded by valuing her service as a house maker, therefore, there is no occasion for making any addition qua future prospects.

The deceased was less than 30 years of age. She had two daughters namely Bhawna and Gunjan but unfortunately Gunjan died in the accident. Assuming that the deceased was rendering services to her family consisting of her husband and two minor daughters, value of her services at the relevant time in March 2015 cannot be assessed less than @ Rs.7,500.00 per month. In this context, reference can be made to a judgment by a coordinate bench in **United India Insurance Company Limited v. Sube Singh and others** (FAO 218 of 2014, decided on 15.01.2014), wherein this Court affirmed notional income of a housewife at Rs.9,000.00 per month, assessed by the Tribunal and the petition for special leave to appeal filed against decision of this Court was dismissed by the Apex Court vide order dated 08.09.2014.

I would hasten to add that a house maker has multifarious duties to perform. A wife or/and a mother is available round the clock to look after all the needs of the family. She is there to share grief and difficulties faced by any member of the family. She is a source of protection, inspiration and discipline. Though it is difficult to quantify value of services of a housewife but still the Tribunal or for that matter a Court of appeal has to make assessment on the basis of experience, assumptions, hypotheses and guess work etc. In the given facts and circumstances, I do not find any reason to interfere in the assessment made by the Tribunal.

No other point has been raised.

Accordingly, the appeal fails and is dismissed.

FAO 3875 of 2017

Counsel for the appellant has not advanced any meaningful arguments to point out any error in assessment of compensation to the tune of Rs.3,00,000.00 with regard to death of Gunjan, a minor. That being so, no justification for interference in assessment made by the Tribunal is made out and accordingly the appeal is dismissed.

(Rekha Mittal)
Judge

25.07.2017
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No