

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

FAO No. 4869 of 2017(O&M)

Date of decision: 18.8.2017

Bharti AXA General Insurance Co. Ltd.

....Appellant

VERSUS

Col. Kuldip Singh Deo

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Rajbir Singh, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

The present appeal directs challenge against an award dated 05.04.2017 passed by the Motor Accidents Claims Tribunal, Mohali (in short 'the Tribunal') whereby compensation has been awarded in regard to death of Daswinder Kaur in a motor vehicular accident that took place on 13.04.2015.

The Tribunal assessed value of services of the deceased as a house-maker and quantified it at Rs.9,000/- per month. By adopting a multiplier of 7, loss of dependency is assessed at Rs.7,56,000/-. In addition, an amount of Rs.1,00,000/- for loss of consortium and Rs.25,000/- for funeral expenses has been awarded making total compensation to the tune of Rs.8,81,000/-.

Counsel for the appellant has assailed the award with regard to findings of the Tribunal on issue No.1 as well as quantum of compensation assessed in the case. It is argued that as the deceased was

crossing the road without taking reasonable care to ensure that no vehicle is approaching the road from either side, she has to be attributed contributory negligence for the occurrence even if not held exclusively liable for the unfortunate incident.

With regard to the quantum of compensation, it is argued that the deceased was 62 years old, therefore, value of her services as a house-wife cannot be assessed at Rs.9,000/- per month. To substantiate his contention, it is argued that the minimum wage available to a casual worker at the relevant time was approximately Rs.7,500/- per month. In support of his contention, he has referred to a Division Bench judgment of this Court **Paramjit Singh and another Vs. Dilbagh Singh alias Bagga and others, 2014(4) RCR (Civil) 895** to contend that with regard to an occurrence of March 2010, the Tribunal assessed income of a house-wife at Rs.3,000/- per month and the same was affirmed by this Court.

I have heard counsel for the appellant, perused the paper-book particularly the award.

I have gone through the findings of the Tribunal on issue No.1 which are based upon testimony of Col. Kuldip Singh, husband of the deceased wherein he had deposed that the accident took place due to rashness and negligence on the part of Jatinder Singh Dhingra- respondent No.1 while driving car bearing No.PB08-CZ-3108. Jatinder Singh Dhingra did not appear in the witness box to deny the accident or attribute any negligence to the deceased. Counsel for the appellant is not in a position to point out any material brought-forth in cross examination of Col. Kuldip Singh to substantiate plea of the insurance company that the

deceased can be attributed contributory negligence and deny compensation to that extent. In this view of the matter, I do not find any error much less illegality in the findings of the Tribunal upholding plea of the claimants that the accident took place due to rash and negligent driving of offending vehicle.

Coming to the quantum of compensation assessed by the Tribunal, the occurrence in question took place in April 2015. Hon'ble the Supreme Court in **Lata Wadhwa Vs. State of Bihar, Writ Petition (Civil) No.232 of 1991 decided on 16.08.2001** with regard to an occurrence of 1989 assessed value of services of a house-maker at Rs.3,000/- per month. The present occurrence took place more than 3 decades thereafter. This Court cannot ignore rise in price index and reduction in value of Indian Currency. A housewife has multifarious duties to perform. An assistant/helper to look after domestic affairs may not be available at Rs.9000/- per month in the year 2015. There is nothing on record suggestive of the fact that the deceased was suffering from any ailment rendering her unable to look after the household and other affairs of her family. Under the circumstances, I do not find any error in assessment of income by the Tribunal. In **Paramjit Singh and another case** (supra), no such ratio was laid down with regard to value of services of a house-maker. On the contrary, a Single Bench of this Court in **United India Insurance Co. Ltd. Vs. Sube Singh and others, FAO No.218 of 2014, decided on 15.01.2014** affirmed assessment at the rate of Rs.9,000/- per month for a house-maker but the insurer failed to get any relief from

Hon’ble the Supreme Court in United India Insurance Co. Ltd. Vs. Sube Singh, SLP(C) No.024916 of 2014, decided on 08.09.2014.

No other point has been raised.

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

AUGUST 18, 2017		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no