

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

**FAO No. 625 OF 2017 (O&M)
DECIDED ON: JANUARY 31, 2017**

ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.

.....APPELLANT

VERSUS

RAJNI & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Raghujeet Singh Madan, Advocate
for the appellant.

JASPAL SINGH, J

Instant appeal has been preferred by Royal Sundaram Alliance Insurance Co. Ltd. (for short 'Insurance Company') against the award dated September 28, 2016 passed by the Motor Accident Claims Tribunal, Rohtak (for brevity 'MACT'), whereby, claimant-Rajni/respondent No.1 has been awarded compensation under Section 166 of the Motor Vehicle Act, 1988 (for short 'Act') to the tune of ₹21, 53, 485/- alongwith interest @6% per annum from the date of institution of claim petition till its relaxation, on account of injuries sustained by her in a motor vehicular accident, which took place on July 04, 2015.

While assailing the impugned award, it has been argued with vehemence by learned counsel for the appellant that compensation awarded by learned Tribunal is exorbitant and on higher side. The learned Tribunal has erred while assessing the income of the injured/Rajni to the tune of ₹9,000/- per

month. Whereas, at the time of accident the minimum wages of a labourer according to Haryana State Government Notification dated July 01, 2015 was ₹5886.67/- per month only. By taking the monthly income of the injured as ₹5886.67/- the annual dependency comes out to ₹70,640.04/- only and by applying the multiplier of 14 the total compensation works out to ₹9,88,960.56/- He further contends that learned Tribunal has also gravely erred while granting the medical expenses to the tune of ₹2,71,485/- especially in the circumstances that Vitender husband of the claimant has categorically admitted in his cross-examination that he got the reimbursement from his department for an amount of ₹4,00,740/-. Similarly, learned Tribunal further erred in granting a sum of ₹20,000/- on account of loss of income, ₹50,000/- on account of special diet, ₹40,000/- on account of transportation and ₹20,000/- for loss of amenities are also on higher side. Otherwise also, there is no cogent and convincing evidence for the grant of compensation under these heads. Thus, the impugned award deserves to be considerably decreased.

This Court has given an anxious thought to the submissions made by learned counsel for the appellant and has perused the impugned award.

A glance at the impugned award and the evidence discussed therein, makes it clear that claimant/Rajni has suffered 100% disability and is still in coma. The accident took place on July 04, 2015 in which not only Rajni but her minor daughter and son who are students of 6 and 7 class respectively, also sustained injuries. It is a permanent functional disability of the body of Rajni as 100%. No doubt the minimum wages prevalent during the date of accident must have been to the extent of ₹5886.67/- but it cannot be said that the services rendered by wife can be measured only to the minimum wages. It is well settled

proposition of law that while assessing the services of a house wife, narrow meaning should not be given to the services rendered by her and it should be construed broadly. She is a full time working house wife who works 24 hours a day. She is a mother, a wife, a Daughter and daughter-in-law. She is an alarm clock, a cook, a maid, a teacher, a waitress, a nurse, a nanny, a counselor and a comforter. She does not get holidays, medical leave and works throughout the day and night. Taking in to consideration such services rendered by a housewife, assessment of a sum of ₹9,000/- per month by learned Tribunal cannot be termed to be on higher side

As far as reimbursement of an amount of ₹4,00,740/- is concerned, the said amount has already been deducted and has not been taken in to consideration while awarding the compensation on account of medical expenses, as is evident from paragraph 18 of the impugned award. As regard the grant of compensation on account of loss of income, special diet, transportation and loss of amenities is concerned, it cannot be said to be on higher side, taking into consideration the plight of respondent No.1 who is 100% disabled.

In the light of what has been discussed above, this Court does not find any merit in the instant appeal. Rather, this Court is of the considered view that the compensation awarded by learned Tribunal is just and adequate and not on the higher side.

Dismissed.

JANUARY 31, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*