

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

F.A.O No. 2435 of 1999

Date of decision:- 20.02.2018

Malkiat Singh

...Appellant

Versus

Punjab Roadways & ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. G.S. Sandhu, Advocate
for the appellants.

Ms. Devika Anand Sullar, AAG, Punjab

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the appellant (for short 'the appellant') against the award dated 06.04.1999 passed by the District Judge, Faridkot (exercising the power of the Motor Accident Claims Tribunal) (for short, 'the Tribunal') whereby learned Tribunal has granted the compensation to the appellants to the tune of Rs.72,000/-.

FACTS NOT IN DISPUTE

2. On 16.02.1997, deceased Malkiat Kaur (wife of the appellant) along with other members including her husband were returning from Ludhiana on a jeep bearing No. PB-03-B-7421 being driven by Jasbir Singh-deceased. When the jeep reached near Ajit, then a bus of Punjab Roadways Moga bearing registration No. PB-12-B-9501 came from the opposite side and struck against the jeep in which the appellant and his wife were travelling. Malkiat Kaur sustained grievous injuries and died on the way to hospital. F.I.R was also registered in this regard.

3. The learned tribunal held that the deceased was 50 years old and was a house wife. She was held to be earning Rs. 900/- per month from

selling milik. The factum of accident had been proved and the offending vehicle was insured with respondent No.3-Insurance Company.

Sr. No.	Heads	Calculations
(i)	Salary	Rs.900/- per month
(ii)	1/3 rd of (ii) deducted as personal expenses of the deceased=	900-300=Rs.600/- per month
(iii)	Compensation after multiplier of 10 is applied	Rs.600 X 12 X 10= Rs.72,000/-
(iv)	Total compensation	Rs.72,000/-

4. The learned counsel for the claimant-appellant contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced

5. On the other hand, the learned counsel for the respondent has vehemently opposed the present appeal.

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

RE-ASSESSED COMPENSATION

7. It is not in dispute that the offending vehicle was fully insured with the Insurance company.

8. Reference at this stage can be made to a judgment of this Court in a case of *United India Insurance Co. Ltd vs. Sube Singh and others, passed in FAO No. 218-2014, decided on 15.01.2014* wherein this Court while dismissing the appeal filed by the Insurance Company against the award of the Tribunal wherein the Tribunal took the income of a house wife at Rs.9000/- per month, held that to tag a house wife as skilled labour alone does not do complete justice to her multifarious role as home manager. House wife is something more than mere skilled worker and it would not be reasonable to estimate contribution of deceased at high figure. The SLP filed against the said judgment has also been dismissed.

9. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgments, the compensation has to be re-assessed as follows:-

Sr. No.	Heads	Calculations
(i)	Salary	Rs.1000/- per month
(ii)	10% of (i) above to be added as future prospects=	Rs.1000+Rs.100=Rs.1100/- per month
(iii)	Compensation after multiplier of 10 is applied	Rs.1100 X 12 X 10= Rs.1,32,000/-
(iv)	Conventional heads (Loss of estate and funeral expenses)	Rs.70,000/-
(iv)	Total Compensation awarded	2,02,000/-
	Enhanced amount of compensation	Rs.2,02,000-Rs.72000= Rs.1,30,000/-

10. Resultantly, the enhanced amount of compensation of **Rs.1,30,000/-** 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 @ 7.5% per annum from the date of filing of the claim petition, in view of the judgment of Hon'ble the Supreme Court in a case of ***Shri Nagar Mal and ors vs. The Oriental Insurance Co. Ltd and others, passed in Civil Appeal No. 448-2018., decided on 19.01.2018.*** The remaining conditions of disbursal of amount and recovery rights shall remain unaltered.

11. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

20.02.2018

G Arora

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No