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

**519**

**FAO No.2427 of 2004 (O&M)**
**Date of Decision : 11.09.2018**

Chander Pal and others
...... Appellants

Versus

Mehar Deen & ors.
...... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

***

Present : None for the appellants.

Mr. G.D.Gupta, Advocate and
Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

***

**AJAY TEWARI, J. (Oral)**

This appeal has been filed against the award dated 15.12.2003 passed under Motor Accident Claims Tribunal, Panchkula awarding compensation of Rs. 2,23,000/- alongwith interest at the rate of 9% per annum on account of death of Ram Murti in an accident.

None has entered appearance on behalf of the appellants.

In this case the deceased was 26 years old and was working as a labourer. The tribunal took her income as Rs.1,500/- per month and applied a deduction of 1/3rd even though she left behind 5 class-I heirs including four minor children. In the first place even if the income of the deceased is taken to be correct yet her contribution as a home maker has not been considered at all. The accident took place in the year 2000.

Counsel for the appellants has argued that even if the deceased had been treated as housewife her contribution to the family would have to be computed in view of ***Lata Wadhwa and others Vs. State of Bihar and others, (2001) 8 SCC 197.*** As per him, in the case of ***Lata Wadhwa's (supra)*** the Supreme Court held the notional income of a house wife to be Rs.3,000/- in the year 1989. In ***Paramjit Singh and another vs. Dilbagh Singh alias Bagga and others 2014 (4) RCR (Civil) 895,*** a Division Bench of this Court has held that where the income is taken on notional basis no deduction can be made (for the simple reason that the income is notional). Once that is so, the same would apply to future prospects also and therefore it has to be held in view of the judgment ***Paramjit Singh (supra)*** that there can neither be addition of future prospects in a case of notional income nor can there be deduction. Since she was also working as a labourer and could not give her entire time to her home, therefore, 50% (of 6,000/-) is taken as contribution. Since this is only notional income neither would there be any future prospects nor any deduction. Further on the real income of Rs.1,500/- which has been assessed by the tribunal, I award 40% future prospects on this amount. On this amount there would have to be a deduction but that would have to be $1/4^{th}$ since there were 5 dependents.

I find that under the conventional heads only a sum of Rs.7,000/- has been awarded. I award Rs.63,000/- more. However, the interest @9% is excessive and on the enhanced amount I award interest @7.5% from the date of filing the claim petition till the date of payment. The apportionment and management would be as per the award of the tribunal.

The appeal stands disposed of with the above said modifications.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

**( AJAY TEWARI )**
**JUDGE**

**11.09.2018**
*Pooja sharma-I*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No