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

FAO No.5126 of 2012(O&M)
Date of Decision: 18.09.2018

Radhey Shyam ......Appellant
Versus
Khai Shergarh Cooperative Transport Society and others
.....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Ajay Jain, Advocate
for the appellant.

Ms. Anamika Mehra, Advocate
for respondent No.3.

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RAJ MOHAN SINGH, J.(Oral)

[1]. The grouse of the appellant can be summarized in the following manner:-

a) Monthly income of deceased housewife has been inadequately assessed.

b) While assessing notional income of deceased housewife, deduction towards self expenses is not permissible.

c) Compensation towards conventional head has to be awarded in consonance with ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017***

SCC 1270,

[2]. According to learned counsel for the appellant, housewife cannot be equated with a daily wager. Though the petition is under Section 166 of the Motor Vehicles Act, but still the contribution made by the housewife in the family is invaluable and that contribution can be equated in terms of money. The evidence brought on record by the appellant to the extent of proving monthly income of the deceased Sonia to be Rs.6000/-per month has been disbelieved by the Motor Accident Claims Tribunal, Sirsa (for short 'the Tribunal') for want of evidence. In assessing the monthly income of the housewife, some guess work can be made.

[3]. Learned counsel for the appellant on the strength of ***Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2014(4) RCR (Civil) 895 (DB)*** contended that while computing the dependency of the family on account of death of housewife, personal expenses of housewife cannot be taken into consideration. Even as per Clause 6 of the Second Schedule attached to Section 163-A of the Motor Vehicles Act, such a deduction is not permissible. The amount awarded by the Tribunal under conventional head is totally on the lower side.

[4]. Keeping in view the facts and circumstances of the case, I deem it appropriate to assess monthly income of the

deceased Sonia to be Rs.5000/-. Deduction to the tune of 1/3rd towards personal expenses is not permissible in case of housewife. While taking into consideration, the income of the deceased to be Rs.5000/- per month, no deduction towards personal expenses is to be applied, therefore, annual income of the deceased would come out to be Rs.60,000/- (5000 X 12=60,000). Keeping in view the age of the deceased and in view of ratio laid down in ***<u>Smt. Sarla Verma Vs. Delhi Transport Corporation, 2009 (3) PLR 22</u>***, multiplier of 18 has to be applied and after applying the same, the total compensation would come out to be Rs.10,80,000/- (60,000 X 18=10,80,000). In view of ratio laid down in ***<u>National Insurance Company Limited Vs. Pranay Sethi and others, case (supra),</u>*** an amount of Rs.70,000/- has to be added towards conventional heads. In this way, total amount of compensation would come out to be Rs.11,50,000/- (10,80,000+70,000=11,50,000). Tribunal has awarded an amount of Rs.6,14,800/-, therefore, after deducting the amount of Rs.6,14,800/-, enhanced amount of compensation would come out to be Rs.5,35,200/- (11,50,000-6,14,800=5,35,200).

[5]. The enhanced amount of compensation i.e. Rs.5,35,200/- shall carry interest @ 7.5% per annum from the date of filing of the claim petition till final realization of the

amount.

[6]. With the aforesaid modification, the present appeal is disposed of.

September 18, 2018 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking Yes/No
Whether reportable Yes/No