IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

FAO No.1274 of 2014 (O&M)
Date of Decision: March 14, 2018.

Manphool & others

..........APPELLANT(s).

VERSUS

Anil and others

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. I.S. Cooner, Advocate for
Mr. J.S. Cooner, Advocate
for the appellant (s).

Service of respondents No.1 and 2
dispensed with.

Mr. S.S. Sidhu, Advocate
for respondent No.3

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SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Sonepat (hereinafter referred to as 'the tribunal') vide award dated 17.12.2012 allowed compensation of ₹6,80,548/- for death of Babita @ Babli, wife of appellant No.1 and mother of appellants No.2 to 5, in a motor vehicle accident with Trolla bearing registration No.HR-55G-8642 (later referred to as 'the offending vehicle').

As the only issue involved in this appeal relates to quantum of compensation as awarded by Tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded was computed as follows:-

Sr. No.	***Heads***	***Calculation***
(i)	Name of the deceased	Babita @ Babli
(ii)	Age of the deceased	32 years
(iii)	Income of the deceased	₹3000 p.m.
(iv)	Deduction towards personal expenses @ 1/4th	₹3000-750=₹2250 p.m. i.e. ₹27000 p.a.
(v)	Multiplier applied 16	₹27000 X 16 = ₹432000/-
(vi)	Loss of consortium	₹10000/-
(vii)	Funeral expenses	₹10000/-
(viii)	Medical/hospitalisation expenses	₹228548/-
Total		₹6,80,548/-

Learned counsel for the appellants has confined his submission on two grounds; firstly that income of the deceased Babita @ Babli, a house wife, who left behind her husband and four minor children, assessed as ₹3000/- per month by the tribunal is on lower side. This income is even less than the minimum wages prescribed by the State Government. While relying on the observations of ***United India Insurance Company Limited vs. Sube Singh and others, FAO No.218 of 2014 (decided on 15.01.2014)***, learned counsel for the appellant has argued that a Co-ordinate Bench of this Court has observed that wife is more than a skilled worker, as she manages entire house and her notional income as assessed by the tribunal as ₹9000/- was upheld. Secondly, that the tribunal has taken the income of the deceased as equal to casual worker for the services provided by her but made deduction of 1/3rd from her income which is not permissible. The amount of compensation allowed towards loss of consortium is also on lower side.

Learned counsel for the insurance company has argued that the tribunal has allowed the compensation to the claimants on the basis of evidence on record. The facts of the case ***United India Insurance Company Limited vs. Sube Singh and others (supra)*** are not before this court. The notional income of the deceased was assessed keeping in view the prevailing price index and status of the family, as such the tribunal has rightly assessed the income of the deceased as ₹3,000/- per month.

A Co-ordinate Bench of this Court in case of ***United India Insurance Company Limited vs. Sube Singh and others (supra)*** has observed that "To take a house wife as a skilled labourer alone does not do complete justice to her multifarious role as a Home Manger". It was observed that "a house wife is something more than mere a skilled worker" and "it would not be unreasonable to estimate her contribution in that case at a higher figure than a skilled worker". Agreeing with the observation of Co-ordinate Bench, I take value of contribution of deceased towards her family equivalent to highly skilled worker and assessed her notional income keeping in view the minimum wages prescribed for highly skilled worker as ₹5200/- per month.

I also agree with learned counsel for the appellants that from the notional income assessed for the services rendered by housewife, no deduction could be made towards her personal expenses. A compensation of ₹30,000/- (keeping in view the fact that death was caused in the year 2011) for loss of consortium is also allowed to appellant No.1.

Keeping in view the above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹5200 per month
(ii)	Compensation after multiplier of 16 is applied	(₹5200X12X16)= ₹998400
(iii)	Loss of consortium	₹30000
(iv)	Funeral expenses	₹10000
(v)	Medical/Hospitalisation Expenses	₹228548
Total		₹12,66,948/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹6,80,548/- to ₹12,66,948/- for death of Smt. Babita @ Babli. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants in equal shares. Respondent No.3-insurance company will deposit the share of appellant-claimant No.1 in his bank account or pay the same through demand draft. The share of minor appellants No.2 to 5, who as per the memo of parties are minors, will be deposited in some nationalised bank as fixed deposits till the period they attain majority. It is, however, made clear that the bank may take the documents regarding the age of the minors as required at the time of deposit of the amount and the minors shall not be asked to bring the fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of attaining majority. The above direction has been issued to save the claimants from unnecessary harassment caused due to directions the bank usually give to bring the order of the Tribunal to get the payment even after attaining the age of majority. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

(SURINDER GUPTA)
JUDGE

March 14, 2018.
Sachin M.

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No