

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

**1.**

**FAO No. 266 of 2014(O&M)**

**Date of Decision: September 10 , 2018.**

Jeet Ram and others

..... APPELLANT(s)

**Versus**

Harjinder Singh @ Rinku and others

..... RESPONDENT (s)

**2.**

**FAO No. 267 of 2014(O&M).**

Kuldip and others

..... APPELLANT(s)

**Versus**

Harjinder Singh @ Rinku and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Ashwani Arora, Advocate  
for the appellants in both the appeals.

Mr. Subhash Goyal, Advocate  
for respondent No.3 – Insurance company in both the appeals.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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**LISA GILL, J.**

This order shall dispose of FAO No.266 of 2014 (Jeet Ram and others v. Harjinder Singh @ Rinku and others) and FAO No.267 of 2014 (Kuldip and others v. Harjinder Singh @ Rinku and others) as both the appeals arise out of the common impugned award dated 09.01.2013.

The appellants in both the appeals seek enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Panchkula (for short, the 'Tribunal') vide impugned award dated 09.01.2013.

Brief facts necessary for adjudication of the case are that, two separate petitions (MACT Case No.29-RBT and 30-RBT of 2010) under Section 166 of the Motor Vehicles Act were filed by the claimants seeking compensation on account of the death of Nasibo @ Nasibo Devi and Kamla Devi, who lost their lives in a motor vehicle accident which took place on 30.05.2010. FIR No.56 dated 30.05.2010 under Sections 279/337/304A IPC was registered against respondent No.1-Suresh Kumar. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of Canter bearing No.HR68A-0434 by respondent No.1 – Suresh Kumar. There is no challenge to the finding of the learned Tribunal in this respect and the same has attained finality.

In Claim Case No.29-RBT of 2010, filed by the claimants (appellants in FAO No.267 of 2014) on account of death of Nasibo @ Nasibo Devi, the learned Tribunal awarded a total sum of ₹9,38,356/- as compensation to the claimants vide impugned award dated 09.01.2013. Notional income of the deceased was assessed as ₹60,000/- per annum and multiplier of 15 was applied keeping in view the age of the deceased as per observations of the Hon'ble Supreme Court in Smt. Sarla Vema and others Vs. Delhi Transport Corporation and another, 2009(3) RCR (Civil) 77. ₹10,000/- towards funeral expenses were awarded, besides, ₹5,000/- on account of loss of consortium.

In Claim Case No.30-RBT of 2010, filed by the claimants

(appellants in FAO No.266 of 2014) on account of death of Kamla Devi, the learned Tribunal awarded a total sum of ₹6,75,000/- as compensation to the claimants vide impugned award. Notional income of the deceased was assessed as ₹60,000/- per annum in this case as well. Multiplier of 11 was applied as the deceased was 54 years old at the time of the accident. ₹10,000/- towards funeral expenses and ₹5,000/- each on account of consortium and pain & sufferings were awarded, besides, ₹18,356/- towards medical expenses.

Aggrieved therefrom, the present appeals have been filed by the claimants seeking enhancement of the compensation.

Learned counsel for the appellants submits that the learned Tribunal has erred in assessing the income of both the deceased housewives to be ₹5,000/- per month i.e., ₹60,000/- per annum. It is held in a number of pronouncements of this Court as well as the Hon'ble Supreme Court that to tag a house-wife as a 'skilled worker' alone does not do complete justice to the multifarious responsibilities discharged by her as a home manager. Learned counsel refers to some of the pronouncements of this Court in FAO No.218 of 2014 decided on 15.01.2014, FAO No.976 of 2017 decided on 14.02.2017 and FAO No.625 of 2017 decided on 31.01.2017 as well as SLP No.14334 of 2014 decided on 08.09.2014 to contend that ₹9,000/- per month has been accepted as a reasonable income to be assessed in respect to house-wife. It is further submitted that a meagre amount has been awarded under the conventional heads in both the cases. It is thus prayed that the amount of compensation awarded to the appellants in both the claim petitions be enhanced accordingly.

Learned counsel for respondent No.3 – Insurance Company

however prays that the impugned award does not call for further enhancement of the compensation in both the cases as same is reasonable and justified in the facts and circumstances of each case.

I have heard learned counsel for the parties and have gone through the file.

Liability of the Insurance company in both the cases is not in dispute and neither is there a dispute regarding the accident being caused by the rash and negligent act of respondent No.1 – Madan Lal, besides the death of Nasibo @ Nasibo Devi and Kamla Devi due to injuries received by them in the accident. The decisions cited by learned counsel for the appellants pertain to accidents which took place in the years 2012, 2014 and 2015. Accident in the present case took place in May 2010. Keeping in view the factual matrix of the present case, it is considered just and appropriate to assess the notional income of the deceased in both the appeals to be ₹6,000/- per month.

As per the guidelines laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680**, ₹40,000/- on account of loss of consortium to the claimant-husband are awarded in both the cases, besides ₹15,000/- each towards funeral expenses and loss of estate. In FAO No.267 of 2014, ₹18,356/- and ₹5,000/- as ordered by the learned Tribunal on account of actual medical expenses and pain & sufferings, respectively, are maintained as no serious objection has been raised by learned counsel for the respondent-Insurance company.

Appellants-claimants in FAO No.266 of 2014 (legal heirs of the deceased-Kamla Devi) are, thus, entitled to the amount of compensation which is

re-worked as under:-

| <i>Sr.No.</i>      | <i>Heads of Claim</i>                              | <i>Amount</i>                         |
|--------------------|----------------------------------------------------|---------------------------------------|
| 1.                 | Income                                             | 6000 p.m.<br>i.e. ₹72,000/- per annum |
| 2.                 | Total dependancy after applying a multiplier of 11 | (72,000 x 11) = 7,92,000              |
| 3.                 | Loss of estate                                     | 15,000                                |
| 4.                 | Funeral expenses                                   | 15,000                                |
| 5.                 | Loss of consortium to claimant-husband             | 40,000                                |
| <b>Grand Total</b> |                                                    | <b>₹8,62,000/-</b>                    |

Appellants-claimants in FAO No.267 of 2014 (legal heirs of the deceased-Nasibo @ Nasibo Devi) are, thus, entitled to the amount of compensation which is re-worked as under:-

| <i>Sr.No.</i>      | <i>Heads of Claim</i>                              | <i>Amount</i>                         |
|--------------------|----------------------------------------------------|---------------------------------------|
| 1.                 | Income                                             | 6000 p.m.<br>i.e. ₹72,000/- per annum |
| 2.                 | Total dependancy after applying a multiplier of 15 | (72,000 x 15) = 10,80,000             |
| 3.                 | Funeral expenses                                   | 15,000                                |
| 4.                 | Loss of estate                                     | 15,000                                |
| 5.                 | Loss of consortium to claimant-husband             | 40,000                                |
| 6.                 | Medical expenses                                   | 18,356                                |
| 7.                 | Pain & sufferings                                  | 5,000                                 |
| <b>Grand Total</b> |                                                    | <b>₹11,73,356/-</b>                   |

Needless to say, the amount already awarded by the learned Tribunal shall stand deducted from the compensation as detailed above in each case. Claimants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing of the petition till realization. Ratio of apportionment amongst the claimants in both the cases as determined by the

learned Tribunal shall remain the same.

Both the appeals are accordingly disposed of.

September 10 , 2018.  
'om'

( LISA GILL )  
JUDGE

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |