IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3159 of 2015
Date of Decision: 22.05.2018

Ravi and others ......Appellants
Vs
Narender and others .....Respondents

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

Present: Ms. Pooja Thakur, Advocate for
Mr. Ramendra Chauhan, Advocate
for the appellants.

Mr. Amit Kundra, Adocate
for respondent No.3/Insurance Company.

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RAJ MOHAN SINGH, J. (Oral)

[1]. Appellants have preferred this appeal for enhancement of compensation against the award dated 27.01.2015 passed by the Motor Accident Claims Tribunal, Sonepat (for short 'the Tribunal').

[2]. Ravita died in a vehicular accident on 27.06.2014. Appellant No.1 is the husband of Ravita. Appellants No.2 and 3 are minor children of the deceased. They have been impleaded through their father i.e. appellant No.1 being their natural guardian.

[3]. The Tribunal assessed monthly income of the deceased to be Rs.2000/- and thereafter, applied multiplier of 18

to the annual dependency of Rs.24,000/-. An amount of Rs.1,25,000/- was awarded towards conventional heads. Total amount of compensation was assessed to the tune of Rs.5,57,000/- to be paid by the respondents jointly and severally along with interest @ 7.5 % per annum from the date of filing of the claim petition till final realisation of the amount. The amount of compensation was apportioned amongst the appellants, thereby entitling appellant No.1 for an amount of Rs.3,07,000/- along with proportionate interest and the remaining amount of Rs.2,50,000/- was to be apportioned amongst appellants No.2 and 3 in equal shares along with proportionate interest.

[4]. Learned counsel for the appellants confines her prayer to the extent of assessing less monthly income of the deceased who was a house wife. According to learned counsel for the appellant as per notification No.3/42/2014-3 lab dated 14.08.2014 issued by Haryana Government, even minimum rates of wages for a skilled labourer was Rs. 9000/- per month. A house wife cannot be less than a skilled person who used to manage household affairs with a unique precision and skill. In ***FAO No.218 of 2014*** titled ***United India Insurance Co. Ltd. Vs. Sube Singh and others***, house wife has not only taken to be a skilled worker, but even more than that to do complete justice to her mutlifarious role as a home manager.

[5]. In case of ***<u>Yadava Kumar Vs. The Divisional Manager, National Insurance Company Ltd. And another, 2010(4) RCR (Civil) 155,</u>*** the Hon'ble Apex Court highlighted that a distinction has to be drawn between the damages and compensation. Damages are to be given for injuries which the injured suffered, whereas compensation is to be paid for atonement of the injury caused and to put back the injured as far as possible in the same manner, as if injury has not taken place. Court should be liberal in determination of quantum of compensation to be paid to the victim towards future loss of income and other heads.

[6]. In case of housewife, the criteria specified in Clause (6) of Second Schedule as referred to Section 163-A of the Motor Vehicles Act, 1988 has to be looked into. The contribution made by the wife to the family is invaluable and cannot be computed in terms of money. In evaluating notional income of the deceased housewife, deduction towards personal expenses while computing dependency of the family is not to be made in view of ***<u>Paramjit Singh Vs. Dilbag Singh @ Bagga, 2014(4) RCR (Civil) 895 (DB)</u>***.

[7]. Taking into consideration the aforesaid, I deem it appropriate to assess monthly income of the deceased to be Rs.9000/- i.e. Rs.1,08,000/- per annum. Deceased was 22

years, 5 months and 25 days at the time of accident, therefore, in view of ratio laid down in ***Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77 (SC),*** multiplier of 18 would suffice to serve the purpose of computing just compensation. Assessment in the aforesaid manner would come out to be Rs.19,44,000/- (9000 X 12 X 18 = 19,44,000) . The Tribunal has awarded an amount of Rs.1,25,000/- towards conventional heads. However, in view of ratio laid down in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 SCC 1270***, amount towards conventional heads cannot exceed Rs.70,000/-. If the amount of Rs.70,000/- is added to the aforesaid tally, the total amount of compensation would come out to be Rs.20,14,000/-. The enhanced amount shall carry interest @ 7.5 % per annum from the date of filing of the claim petition till final realisation of the amount. Apportionment shall be made in terms of award passed by the Tribunal. Normal consequences to follow.

[8]. Disposed of accordingly.

May 22, 2018 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

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