

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

F.A.O No. 582 of 2014

Date of decision:- 02.05.2018

Nazeera and others

...Appellants

Versus

Surain Singh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.D. Sharma, Advocate
for the appellants.

Mr. S.S. Sidhu, Advocate
for respondent No.2-insurance co.

RITU BAHRI J.

1. The present appeal has been preferred by the appellants against the award dated 16.02.2013 passed by the learned Motor Accident Claims Tribunal, Gurdaspur (for short, 'the Tribunal') whereby learned Tribunal has granted the compensation to the appellants to the tune of Rs.4,80,000/-.

FACTS NOT IN DISPUTE

2. On 08.11.2011, deceased Phulla along with her husband and minor daughter was going to Sujampur on a scooter bearing registration No. PB-35-E-1470, being driven by her husband Abdul Misr. At about 5.30 P.M. when they reached near bridge No. 4, Sujampur on national highway, a truck came from the side of Madhopur, being driven by respondent No. 1 at a very high speed, rashly and negligently struck against the scooter as a result of which, the deceased suffered multiple serious injuries and died at the spot. With regard to the accident, an F.I.R No. 133 dated 09.11.2011 was got registered against respondent No. 1 at Police Station Sujampur by Yakub s/o Balia.

3. The learned Tribunal held that the deceased was 39 years old and was housewife. In the absence of any cogent and reliable evidence that she was doing the work of selling milk, her income was assessed as Rs.4,000/- p.m. The factum of accident had been proved and the offending vehicle was insured with respondent No.2-Insurance Company.

Sr. No.	Heads	Calculations
(i)	Salary	Rs.4000/- per month
(ii)	1/3 rd deduction towards personal expenses	4000-1333=2667
(iii)	Compensation after multiplier of 15 is applied	Rs.2667 X 12 (Rs.32,000 in round figure) X 15= Rs.4,80,000/-
	Total compensation	Rs.4,80,000/-

4. The learned counsel for the claimant-appellants contends that the compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced, in view of the judgment "*Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77*", "*Rajesh and others vs. Rajbir Singh and others, 2013 (9) SCC 54*" and "*Munna Lal Jain and another vs. Vipin Kumar Sharma and others, 2015(3) Recent Apex Judgments 459*", *Asha Verman and others vs. Maharaj Singh and others, 2015(2) RCR (Civil) 520 and Kalpanaraj and others v. Tamil Nadu State Transport Corporation, 2015(2) SCC (Civil) 193*. Learned counsel submits that the Tribunal has erred in law by taking the income of the deceased at Rs.4,000/- per month only and further nothing has been awarded on various heads.

5. On the other hand, learned counsel for respondent No. 2 has vehemently opposed the present appeal.

6. I have heard learned counsel for the parties and perused the record.

RE-ASSESSED COMPENSATION

7. It is not in dispute that the offending vehicle was fully insured

with the Insurance company.

8. Reference at this stage can be made to a judgment of this Court in a case of *United India Insurance Co. Ltd vs. Sube Singh and others, passed in FAO No. 218-2014, decided on 15.01.2014* wherein this Court while dismissing the appeal filed by the Insurance Company against the award of the Tribunal wherein the Tribunal took the income of a house wife at Rs.9000/- per month, held that to tag a house wife as skilled labour alone does not do complete justice to her multifarious role as home manager. House wife is something more than mere skilled worker and it would not be reasonable to estimate contribution of deceased at high figure. The SLP filed against the said judgment has also been dismissed.

9. Following the ratio of law laid down by Hon'ble the Supreme Court in the above mentioned judgment, the compensation has to be re-assessed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.9,000/- per month
(ii)	40% of (i) above to be added as future prospects	Rs.9000+Rs.3600=Rs.12600/- per month
(iii)	1/3 rd of (ii) deducted as personal expenses of the deceased	Rs.12600-Rs.4200=Rs.8400 per month
(iv)	Compensation after multiplier of 15 is applied	Rs.8400 X 12 X 15= Rs.15,12,000/-
(v)	Funeral charges	15,000
(vi)	Loss of estate	15,000
(vii)	Total Compensation awarded	15,42,000/-
(viii)	Enhanced amount of compensation	Rs.15,42,000-Rs.4,80,000= Rs.10,62,000/-

10. Resultantly, the enhanced amount of compensation of **Rs.10,62,000/-** shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble

the Supreme Court in a case of *Shri Nagar Mal and others V/s. The Oriental Insurance Company Ltd. and others in Civil Appeal No. 448 of 2018*. Remaining conditions of disbursal of amount shall remain unaltered.

10. With the aforesaid modification in the impugned award, the appeal is allowed to the above extent.

May 02, 2018
Divyanshi

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>