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

**FAO No. 851 of 2017
Date of decision:- 14.05.2018**

Devender and others

---Appellants.

Versus

Sahajha and others

---Respondents.

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. Ajay Shekhawat, Advocate,
for the appellants.

Mr. Shiva Khurmi, Advocate,
for respondent No. 1.

Mr. R. N. Singal, Advocate,
for respondent No.3.

AVNEESH JHINGAN J. (Oral)

The present appeal arises from the award dated 08.04.2013 passed by Motor Accident Claims Tribunal, Rohtak (for short 'the Tribunal').

On 03.01.2002, a motor vehicular accident took place. Smt. Krishana Devi, aged 50 years, alongwith her son Rakesh Kumar was going on motorcycle bearing registration No.HR-77-4567. When they reached near Karontha Ashram, a truck bearing registration No.RJ-02GA-2601 struck against the motorcycle. As a result of the accident, Smt. Krishna Devi fell down and was crushed under the front wheel of the truck. She was taken to PGIMS, Rohtak where she succumbed to her injuries.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the legal heirs of the deceased.

The Tribunal held that the accident occurred due to rash and negligent driving of the offending vehicle. The monthly income of the deceased was assessed as ₹6,000/- and Tribunal awarded a sum of ₹6,54,000/- along with interest at the rate of 7.5% per annum.

The present appeal has been filed by the appellants for enhancement of compensation.

In the present case the deceased was a widow and was entitled to family pension. The Tribunal assessed the monthly earning of deceased as ₹6,000/-. Even if she is considered to be a house wife her services towards her family can not be under estimated. ₹6,000/- is assessed as her notional monthly income, it is well settled law that once the notional monthly income of the housewife is assessed then no deduction for self expenses has to be made. Reliance in this regard be placed on the judgment of Division Bench of this Court in case of ***Paramjit Singh and another versus Dilbagh Singh @ Bagga and others,*** 2014(4) RCR (Civil) 895, wherein it has been held that since the income of the housewife is notional income, the deduction for self expenses is not warranted. since the income of the house wife is notional income, the deduction for self expenses is not warranted.

No other issue has been raised by both the counsel. In consonance with the decision of the Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and Others 2017 AIR (SC) 5157*** the appellants would be entitled to ₹15,000/- for the loss of estate and ₹15,000/- for funeral expenses.

For the reasons mentioned above, the compensation is recalculated as under:

Sr. No.	*Heads*	*Calculations*
(i)	Annual earning	₹72,000/-
(ii)	Multiplier of 13 applied	₹72,000X13= 9,36,000/-
(iii)	Loss of estate	₹15,000/-
(iv)	Funeral expenses	₹15,000/-
	Total Compensation Awarded	**₹9,66,000/-**

The award dated 08.04.2013 is modified to the extent that the amount awarded of ₹6,54,000/- is enhanced to ₹9,66,000/-.

The appellants/claimants would be entitled to interest at the rate of 6% per annum on the enhanced amount from the date of filing of the claim petition till realization of the amount.

Accordingly, the present appeal is partly allowed to the above extent.

14.05.2018 **(AVNEESH JHINGAN)**
Riya Grover **JUDGE**

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