

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

204

FAO-1531-1992

Date of Decision : September 11, 2019

KUMARI SUPREET KAUR SETHI (MINOR)

.....Appellant

VERSUS

SHRI AJIT SINGH AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Vinod K. Kanwal, Advocate
as amicus curiae for the appellant.

Mr. Amit Kundra, Advocate
for the respondent-Insurance Company.

NIRMALJIT KAUR, J. (Oral)

The present appeal is filed for enhancement of the amount granted by the Motor Accident Claims Tribunal, Ludhiana vide award dated 29.5.1992 vide which only Rs.54,000/- was awarded.

While praying for enhancement, learned counsel for the appellant submitted that the deceased was the mother of the present minor appellant. The accident took place in the year 1989. Her income was held to be taken as Nil being a housewife. She was 38 years of age at the time of accident.

No one has put in appearance on behalf of respondent No.2. Respondent No.2 was already proceeded against ex parte vide order dated 2.5.2017. No one has put in appearance on behalf of respondent No.1 in spite of service.

It is well settled proposition of law that in case of deceased being a housewife, the compensation has to be determined on the basis of services rendered by her. In the case of Lata Wadhwa Vs. State of Bihar, 2002(1) TAC 138, the Hon'ble Apex Court determined the income of a housewife as Rs.3,000/- per month. It is also an admitted and settled proposition of law that while applying the multiplier, the age of the deceased has to be taken into consideration. Since the age of the deceased being 38 years, hence, the multiplier of 15 was required to be applied.

In view of the above, the appellant-claimant is held entitled to the enhanced amount as per the calculation provided:-

Sr. No.	Head	Amount assessed
1	Income	Rs.3000/- p.m. x 12 = Rs.36,000/-
2	Multiplier	36,000 x 15 = Rs.5,40,000/-
3	Total	Rs.5,40,000/-

Accordingly, the present appeal is allowed to the said extent. The enhanced amount of Rs.5,40,000/- over and above already granted be deposited within two months from the receipt of certified copy of this order alongwith 6% interest from the date of the claim petition till realization.

However, in case the same is not deposited within two months, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of two months.

September 11, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No