

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.5930 of 2019 (O&M)
Date of Decision.02.12.2019

United India Insurance Company Limited

...Appellant

Vs

Jaswinder Kaur @ Bakhshis Kaur (D) through LR's and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Ram Avtar, Advocate
for the appellant.

:-

JAISHREE THAKUR J. (ORAL)

C.M. No.19868-CII of 2019

For the reasons stated in the application, delay of 10 days in
filing of the appeal is condoned.

Application is allowed.

FAO No.5930 of 2019

1. This is an appeal filed by the insurance company seeking to challenge the award of compensation as assessed by the Motor Accident Claims Tribunal, Chandigarh dated 21.02.2019.
2. Counsel for the appellant herein contends that the Tribunal has erred in taking the income of the deceased-housewife as ₹9000/- per month, while computing the compensation. In fact, the income should have been assessed at ₹6000/- per month.

3. I have heard learned counsel for the appellant and have gone through the pleadings of the case and the case law as relied upon in **Chaula Mandlam Vs. Laxmi Chand 2015 (4) PLR 405, Paramjit Singh Vs. Dilbagh Singh 2014 (3) RCR (Civil) 1027** and **OIC Vs. Kulwinder** passed in FAO No.5517 of 2018.

4. The only question that needs to be answered is whether the Tribunal has erred in taking the income of the deceased-housewife at ₹9000/- per month as urged by the counsel for the appellant.

5. The factum of the accident has not been in dispute and the same has not been challenged by the insurance company. The Tribunal while relying upon the judgment of this Court in FAO No.218 of 2014 **United India Insurance Company Ltd. Vs. Sube Singh and others** decided on 15.01.2014 held that housewife is something more than a skilled worker and it would not be unreasonable to estimate the contribution of the deceased in running of the household. The notional income of the deceased-housewife in the year 2014 had been assessed to be ₹9000/- per month. The Coordinate Bench while noting the judgment rendered in **Lata Wadhwa and others Vs. State of Bihar and others 2001 (4) RCR (Civil) 673** had allowed ₹9000/- as a monthly income of a deceased housewife by taking a clue that for an accident that took place in the year 1981, the Hon'ble Supreme Court had evaluated the contribution of a housewife as ₹3000/- per month. In **Sube Singh's** (case) supra, for an accident that took place in the year 2012, the notional income of deceased housewife had been fixed at ₹9000/- per month, which finding has not been challenged. Therefore, the Motor Accident Claims Tribunal by relying upon the aforesaid judgment

rightly assessed the notional income of the deceased housewife at ₹9000/- per month and correctly applied multiplier of 16, based on the fact that the deceased was 32 years old. The Tribunal allowed a further amount of ₹15,000/- each towards funeral expenses and loss of estate, while computing a total compensation of ₹17,58,000/-.

6. In view of the aforementioned circumstances, I do not find any infirmity in the award passed by the Tribunal and the same is hereby affirmed. Consequently, the appeal stands dismissed.

(JAISHREE THAKUR)
JUDGE

December 02, 2019
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No