

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

**FAO No.3024 of 2013 (O&M)
Date of Decision: February 20, 2019.**

Gian Singh and others

.....APPELLANT(s).

VERSUS

Gurwinder Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jashanpreet Singh, Advocate for
Mr. Ashish Aggarwal, Advocate
for the appellant (s).

Mr. Vinod Gupta, Advocate
for respondent No.3-insurance company.

SURINDER GUPTA, J.

This is appeal against the award dated 21.02.2013 passed by Motor Accident Claims Tribunal, Amritsar (later referred to as 'the tribunal') on the petition under Section 163-A of Motor Vehicles Act, 1988 (for short-the Act) filed by appellants-claimants for the death of Gurjit Kaur wife of appellant-claimant No.1 and mother of appellants-claimants No.2 and 3, in a motor vehicle accident with Bus bearing registration No.PB-05-Q-0888.

As the only issue involved in this appeal relates to quantum of compensation as awarded by tribunal, detailed facts of the case are being skipped for the sake of brevity.

The tribunal allowed compensation of ₹1,90,000/-, which was

computed as follows:-

(i)	Name of the deceased	Gurjit Kaur
(ii)	Age of the deceased	62 years
(iii)	Vocation	Housewife
(iv)	Notional income of the deceased	₹3000/- p.m.
(v)	Multiplier applied 5	₹3000X12X5 = ₹180000/-
(vi)	Loss of estate	₹5000/-
(vii)	Funeral expenses	₹5000/-
Total		₹1,90,000/-

Learned counsel for the appellants has argued that the tribunal has taken income of the deceased, who was a housewife, as ₹3,000/- per month while the minimum wages for unskilled worker was around ₹4,000/- per month in September, 2011. As the petition was filed under Section 163-A of the Act, the tribunal could assess annual income of the deceased as ₹40,000/-. As per the law settled by Hon'ble Apex Court in case of **Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (2009)6 SCC 121**, the multiplier applicable is 7 but the tribunal while calculating the amount of compensation, applied the multiplier of 5.

Learned counsel for respondent No.3-insurance company has argued that petition was filed under Section 163-A of the Act and as per Second Schedule appended with the Act, the multiplier for the age group of 60 to 65 is 5, as such, the tribunal has rightly applied the multiplier of 5 while computing the amount of compensation. The deceased was a housewife and her monthly income has been rightly assessed by the tribunal as ₹3000/- per month.

A housewife has all the skills to look-after the children, manage the household jobs and family affairs. I agree with the submission of learned counsel for the appellants-claimants that the income of a housewife

cannot be less than the minimum wages prescribed for a skilled worker. In this case, petition has been filed under Section 163-A of the Act, as such, the annual income of the deceased is to be capped at ₹40,000/-, as the minimum wages prescribed for the skilled worker as on 01.07.2011 was more than ₹4,700/-.

As per the law settled by Hon'ble Apex Court in case of **Sarla Verma and others Vs. Delhi Transport Corporation and Anr. (supra)**, the multiplier of 7 is applicable for the deceased in a motor vehicle accident in the age group of 61 to 65 years. Though the Second Schedule under Section 163-A of the Act prescribes the multiplier of 5 but the similar multiplier is also prescribed for the victims of age above 65 years. Keeping in view this fact, I am of the opinion that the multiplier as settled by Hon'ble Apex Court in the above cited case, should be applied while computing the amount of compensation.

As a sequel of my above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	Heads	Calculation
(i)	Income of the deceased	₹40000 per annum
(ii)	Compensation after multiplier of 7 is applied	(₹40000X7)= ₹280000/-
(v)	Loss of consortium	₹5000
(vi)	Loss of estate	₹2500
(vii)	Funeral expenses	₹2000
Total		₹2,89,500/-

The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants-claimants is enhanced from ₹1,90,000/- to ₹2,89,500/- for death of Gurjit Kaur. Liability to pay the amount of compensation shall be as per award.

The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants in equal shares.

Respondent-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal.

February 20, 2019.
Sachin M.

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>