IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

FAO No. 2210 of 2015

Date of Decision: September 17 , 2019.

Jagmohan Lal and others ...... APPELLANT (s)

Versus

Joginder Singh and others ...... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amit Khari, Advocate for
Mr. Ramnish Puri, Legal-Aid counsel
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.3– Insurance Company.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of compensation awarded to them by the learned Motor Accident Claims Tribunal, Fazilka (for short, the 'Tribunal') vide impugned award dated 14.05.2013 on account of death of Smt. Babli in a motor vehicle accident.

Brief facts necessary for adjudication of the case are that the claimants, who are children and husband of the deceased, filed a petition under Sections 140/166 of the Motor Vehicles Act (for short, the 'Act') seeking compensation on account of death of Smt. Babli, who lost her life in a motor vehicle accident which took place on 07.10.2011. FIR No.163 dated 08.10.2011, under Sections 279/337/338/427 IPC, Police Station City Fazilka was registered against respondent No.1-driver on the statement of PW2 Basti Ram @ Basant Ram. Deceased-Babli, who was aged 40 years at the time of the accident, is claimed to be a housewife, doing household work, besides, selling milk. It is claimed that she was earning a sum of ₹10,000/- per month. Compensation was thus prayed for.

Learned Tribunal on consideration of the facts and evidence on record held that the accident in question took place due to the rash and negligent driving of tractor bearing registration No.PB-22C-5337 by respondent No.1 – Joginder Singh. The said finding of the learned Tribunal has attained finality.

Learned Tribunal while assessing income of deceased-Babli to be ₹3,000/- per month with reference to the value of services of the deceased towards her family, awarded a total sum of ₹4,06,000/- as compensation to the appellants vide impugned award dated 14.05.2013. Deduction to the extent of 1/3rd was effected. Multiplier of 16 was applied. ₹5,000/- each was awarded on account of loss of estate and funeral expenses. Appellant No.1, husband of the deceased, was afforded ₹10,000/- towards loss of consortium, besides, ₹2,000/- as counsel fee.

Aggrieved from the quantum of compensation, the present appeal has been preferred by the claimants.

Learned counsel for the appellants argues that income of the deceased has been wrongly assessed as ₹3,000/- per month which is extremely meagre by any yardstick. Learned counsel for the appellants relies upon decision dated 30.08.2018 in FAO No.9557 of 2014 (The New India Assurance Company Ltd. v. Satpal and others) to submit that at least a sum of ₹9,000/- per month should be assessed as income of the deceased. It is further submitted that increase in income on account of future prospects be afforded. Meagre amount, it is submitted, has been afforded under the conventional heads as well. It is thus prayed that compensation awarded to the appellants be enhanced.

Learned counsel for respondent No.3, on the other hand, prays for upholding the impugned award and submits that no ground whatsoever is made out for any kind of enhancement of the compensation. It is argued that once notional income of a deceased-housewife has been assessed, increment on account of future prospects should not be afforded. It is thus prayed that this appeal be dismissed.

I have heard learned counsel for the parties and have gone through the file.

There is no dispute regarding death of Smt. Babli in a motor vehicle accident which took place on 07.10.2011 due to the rash and negligent driving of the offending vehicle bearing registration No.PB-22C-5337 by respondent No.1-Joginder Singh. Neither is there a dispute regarding liability of the Insurance company.

Deceased-Babli was admittedly 40 years old at the time of her death. She is claimed to be a housewife. Apart from the fact that even an unskilled labourer in the State of Punjab was earning about ₹5,000/- per month at the relevant time, income of a housewife cannot be equated with that of an unskilled labourer. Services rendered by a housewife are multifarious. She renders invaluable services in her various facets/roles in a home. This Court in FAO No.3395 of 2015 has assessed income of a housewife to be ₹7,000/- per month in respect to an accident which took place in the year 2011. Further, a coordinate Bench of this Court vide decision dated 30.08.2018 in FAO No.9557 of 2014 (The New India Assurance Company Ltd. v. Satpal and others) has upheld notional income of a housewife as ₹9,000/- in respect to an accident which took place in the year 2013. Keeping in view the facts and circumstances of the present case, including the age of the deceased, it is considered just and expedient to assess notional income of the deceased as ₹7,000/- per month.

The argument raised on behalf of the Insurance company that a increment on account of future prospects should not be afforded to a housewife, in my considered opinion, is devoid of any merit and hence, rejected. The concept of awarding of increment on account of future prospects is obviously intended to take care of a number of factors. To say that the value of the services rendered by a housewife remains static or stagnant, is unjust and unfair. The value of the services of a housewife shall also naturally increase with the passing of the years. The deceased in this case was admittedly 40 years old, thus, the claimants are held entitled to increase in income at the rate of 25% towards future prospects in terms of the judgment of the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi and others**, ***2017(16) SCC 680***.

In view of the Division Bench judgment of this Court in **Paramjit Singh and another v. Dilbagh Singh @ Bagga and others**, ***2014(4) RCR (Civil) 895***, no deduction is to be effected in the compensation to be awarded in the case of death of a housewife. Multiplier of 15 is to be applied in this case, the deceased being 40 years. ₹15,000/- each is awarded towards funeral expenses and loss of estate. Appellant No.1 i.e., husband of the deceased, is entitled to ₹40,000/- on account of loss of spousal consortium and appellants No.2 to 5 are entitled to ₹40,000/- towards loss of parental consortium in terms of the judgment of the Hon'ble Supreme Court in **Magma General Insurance Company Ltd. v. Nanu Ram Alias Chuhru Ram & Ors., in Civil Appeal No.9581 of 2018 decided on 18.09.2018** as well as decision dated 14.03.2019 of this Court in FAO No.2110 of 2016 (Shri Ram General Insurance Company Ltd. v. Beant Kaur and others).

Appellants are, thus, entitled to compensation which is re-worked as under:-

Sr.No.	***Heads of Claim***	***Amount***
1.	Income	7,000 per month i.e., 84,000 per annum
2.	Total income after addition at the rate of 25% on account of future prospects	84,000 + (84,000 **x** 25%) = 1,05,000
3.	Dependancy after applying a multiplier of 15	(1,05,000 **x** 15) = 15,75,000
4.	Loss of estate	15,000
5.	Funeral expenses	15,000
6.	Loss of spousal consortium to appellant No.1	40,000
7.	Loss of parental consortium to appellants No.2 to 5	40,000
	Grand Total	₹16,85,000/-

Needless to say, the amount already awarded by the learned Tribunal shall stand deducted from the compensation as detailed above. Claimants shall be entitled to interest on the enhanced amount at the rate of 7.5% per annum from the date of filing of the petition till realization. Ratio of apportionment and manner of disbursement shall remain the same as determined by the learned Tribunal.

Appeal is accordingly disposed of.

(**LISA GILL**)
September 17 , 2019. **JUDGE**
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No