

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

FAO-1861-2016 (O&M)
Date of Decision: 5.11.2019

Ravi and others

.....Appellants

Versus

Ankush and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. S.S.Momi Advocate, for the appellants.

Mr. Sachin Ohri, Advocate,
for respondent No.3-Insurance Company.

NIRMALJIT KAUR, J. (ORAL)

CM-7059-CII-2016

Allowed as prayed for.

CM-7060-CII-2016

For the reasons mentioned in the application, the delay of 97 days in filing of the appeal is condoned.

The application stands disposed of.

Main appeal

The present appeal is filed for enhancement of compensation awarded in the award dated 29.7.2015.

While praying for enhancement, learned counsel for the appellants submitted that income of the deceased-housewife has been assessed on the lower side. It should be @ ₹ 9,000/- per month in stead of 5,000/-. Reliance was placed on the judgment rendered in the case of Royal Sundaram Alliance Insurance Co. Ltd. Vs. Manmeet Singh and others, 2012

housewife are countless, she has no fixed hours of work, she is always in attendance to take care of each and every need of the family at the cost of her personal comfort and health. Reliance was also placed on the judgments of the learned Single Bench of this Court rendered in the case of Tarsem Singh and others vs. M/s New India Assurance Co. Ltd. and others in FAO-2772-2015 decided on 22.8.2017 as well as United India Insurance Co. Ltd. vs. Sube Singh and others, in FAO-218-2014 decided on 15.1.2014, wherein the income of the housewife was assessed @ ₹ 9,000/- per month.

Learned counsel for respondent No.3-Insurance Company while disputing the claim of the appellants submitted that the accident in the present case was of the year 2012. At that point of time, minimum wages was around @ ₹ 5,000/- per month. Therefore, notional income cannot be more than ₹ 5,000/- per month.

In the case of Tarsem Singh's (supra) while relying upon Sube Singh's (supra) income of the housewife was assessed @ 9,000/- per month holding as under:-

“Reference at this stage can be made to a judgment of this Court in a case of **United India Insurance Co. Ltd vs. Sube Singh and others**, passed in FAO No. 218-2014, decided on 15.01.2014 wherein this Court while dismissing the appeal filed by the Insurance Company against the award of the Tribunal wherein the Tribunal took the income of a house wife at Rs.9000/- per month, held that to tag a house wife as skilled labour alone does not do complete justice to her multifarious role as home manager. House wife is something more than mere skilled worker and it would not be reasonable to estimate contribution of deceased at high figure. The SLP filed against the said judgment has also been dismissed.”

This Court earlier also followed the same in FAO-964-2015

titled as Oriental Insurance Co. vs. Hukum Chand and others, decided on 29.8.2019. Accordingly, this Court finds no reason as to why the same should not be followed especially taking into account that SLP against FAO-218-2014 in the case of Sube Singh's (supra) has already been dismissed.

Accordingly, in the present case, the income of the deceased-housewife is assessed @ ₹ 9,000/- per month and the award is accordingly, modified as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income assessed	9,000/- per month 9,000/- x 12 = 1,08,000/-
2	Multiplier	11 (1,08,000 x 11 = 11,88,000/-)
3	Other heads	₹ 70,000/-
	Total	₹ 12,58,000/-
	Awarded by the Tribunal	₹ 7,60,000/-
	Differences	₹ 4,98,000/-

Thus, the enhanced compensation of ₹ 4,98,000/- be paid to the appellants within two months from the receipt of certified copy of this order alongwith 6% interest per annum from the date of filing of claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

5.11.2019
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No