

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 251 of 2017 (O&M)
Date of Decision : 21.02.2019

Rajinder Singh and others

.....Appellants

Versus

Parmod Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Jindal, Advocate
for the appellants.

Mr. A.S. Ahluwalia, Advocate
for respondents no. 1 and 2.

Mr. Gopal Mittal, Advocate
for respondent no. 3.

Surinder Gupta, J.

Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as 'the Tribunal') vide award dated 05.10.2016 allowed compensation of ₹9,89,000/- for death of Veerpal Kaur (later referred to as 'the deceased'), wife of appellant No.1 and mother of appellants No.2 and 3, in a motor vehicle accident with car bearing registration No.PB-03Y-0977 (later referred to as 'the offending vehicle').

2. 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.

3. The compensation awarded by the Tribunal was computed as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Name of the deceased	Veerpal Kaur

(ii)	Age of the deceased	32 years
(iii)	Income of the deceased	₹4500 per month
(iv)	Annual income after multiplier of 16 applied	(₹4500X12X16) = ₹864000/-
(v)	Loss of consortium	₹100000/-
(vi)	Funeral expenses	₹25000/-
<i>Total</i>		₹9,89,000/-

4. Learned counsel for the appellants has argued that status of housewife and value of services rendered by her for her family cannot be equated as less than value of services of a skilled worker. She not only manages household jobs but also takes care of kids, rears them, guide them to be capable to face challenges in life. She also takes care of her husband and his family members. At the time of accident, the minimum wages for the skilled labourers as prescribed by State of Punjab was ₹6847/-, as such, income of the deceased as assessed by the Tribunal is on lower side.

5. Learned counsel for respondent no. 3-Insurance Company has argued that the Tribunal has rightly assessed income of the deceased keeping in view her status as housewife. She was not an earning hand and notional income assessed by the Tribunal was only for the services she was rendering to her family. He has further argued that as per law settled by Hon'ble Apex Court in case of **National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009**, claimants are entitled to compensation of ₹70,000/- under the conventional heads while the Tribunal has allowed compensation of ₹1,25,000/- on this score.

6. The deceased was a housewife. In a family, housewife has to play a major role while taking care of her husband, in-laws and children, managing household affairs, treating the relatives, guiding the children and helping them in shaping their destiny. She performs numerous jobs from getting up early in the morning, preparing the children to go to school, looking after their meals and other daily needs. She has to use her managerial skills while managing the family affairs. I agree with learned counsel for the appellants that status of housewife cannot be less than a skilled person and while assessing value of the services rendered by the deceased, it cannot be assessed less than the minimum wages prescribed by the State Government for skilled workers. A co-ordinate Bench of this Court in case of **United India Insurance Company Limited vs. Sube Singh and others**, ***FAO No.218 of 2014 (decided on 15.01.2014)*** has observed that “To take a housewife as a skilled labourer alone does not do complete justice to her multifarious role as a Home Manger”. It was observed that “a housewife is something more than mere a skilled worker” and “it would not be unreasonable to estimate her contribution in that case at a higher figure than a skilled worker”. Agreeing with the observation of co-ordinate Bench in aforesaid case, I take value of contribution of deceased towards her family equivalent to highly skilled worker and assess her notional income keeping in view the minimum wages prescribed for highly skilled worker as ₹6850/- per month. Claimants are also allowed compensation of ₹40000/- for loss of consortium for claimant-appellant no. 1-Rajinder Singh (husband of the deceased) and ₹15,000/- towards funeral expenses as per observations of Hon’ble Apex Court in case of ***Pranay Sethi (supra)***.

7. Keeping in view the above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Income of the deceased	₹6850 per month
(ii)	Compensation after multiplier of 16 is applied	(₹6850X12X16)= ₹1315200
(iii)	Loss of consortium	₹40000
(iv)	Funeral expenses	₹15000
<i>Total</i>		₹13,70,200/-

8. 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 ₹9,89,000/- to ₹13,70,200/- for death of Veerpal Kaur. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realization. The amount of enhanced compensation shall be apportioned between the claimants in equal share. Respondent No.3-Insurance Company will deposit the share of appellant-claimant No.1 in his bank account or pay the same through demand draft. The share of minor appellants No.2 and 3, who as per the memo of parties are minors, will be deposited in some nationalized bank as fixed deposits till the period they attain majority. It is, however, made clear that the bank may take the documents regarding the age of the minors as required at the time of deposit of the amount and the minors shall not be asked to bring the fresh order from the Tribunal to get the payment of the amount deposited in their names after the date of attaining majority. The above direction has been issued to save the claimants from unnecessary

harassment caused due to directions the bank usually give to bring the order

of the Tribunal to get the payment even after attaining the age of majority. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

February 21, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No