

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

FAO No. 6720 of 2019(O&M)

Date of decision: 7.11.2019

TATA AIG General Insurance Co. Ltd.

.....Appellant

VERSUS

Karamvir and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sanjeev Kodan, Advocate for the appellant.

REKHA MITTAL, J.(Oral)

Challenge in the present appeal has been directed against award dated 02.08.2019 passed by the Motor Accidents Claims Tribunal, Kaithal (in short 'the Tribunal') whereby compensation has been assessed on account of death of Pushpa in a motor vehicular accident that took place on 13.12.2018.

The sole submission made by counsel for the appellant is that value of services of the deceased assessed at the rate of Rs.11,000/- per month is on higher side and merits modification.

A relevant extract from para 28 of the award, reads thus:-

“28. In the circumstances of the case, in view of the law laid down by the Hon'ble Apex Court in the case of '**Arun Kumar Aggarwal and another Vs. National Insurance Company and others, 2010 (3) PLR (SC) 418**', '**Jitendra Khimshankar Trivedi and others Vs Kasam Daud Kumbhar and others, 2015 ACJ 708 (SC)** and Hon'ble Punjab and Haryana High Court in the case of '**United India**

Insurance Company Limited Vs. Sube Singh and others, FAO No.218 of 2014', the notional income of deceased Pushpa is assessed as Rs.11,000/- per month as a skilled labourer in view of Haryana Government Notification dated 15.5.2018, got the monthly income of Rs.9994.42/- during the relevant period. A house-maker may deserve even more value as income. So, monthly income of the deceased is taken at Rs.11,000/-, which comes to Rs.1,32,000/- per annum.”

The application for compensation has been filed by husband and two minor children namely Mansi aged 8 years and Ansh 5 years. The Tribunal has rightly held that services of a house-maker deserves to be given more value than minimum wage of a skilled labour. A house-maker has multifarious duties to perform and is available to the family round the clock. This Court in **United India Assurance Co. Ltd. Vs. Sube Singh, FAO No.218 of 2014, decided on 15.01.2014** has affirmed findings of the Tribunal valuing services of a house-maker at Rs.9000/- per month who died in the year 2012 and the same were affirmed by Hon’ble the Supreme Court. In the given circumstances, I do not find any reason to intervene in assessment of value of services of the deceased.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine. Nothing stated hereinbefore shall cause prejudice to the claimants, in case they file an appeal for enhancement of compensation.

NOVEMBER 7, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no