

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

**F.A.O No. 26 of 2021
Date of decision:- 15.01.2021**

United India Insurance Co. Ltd.

...Appellant

Versus

Jatinder Kapoor & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Pankaj Mohan. Kansal, Advocate
for the appellant

RITU BAHRI J. (Oral)

The present appeal has been preferred by the Insurance Company-appellant, seeking modification in the award dated 04.01.2020 passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal') whereby the claimants were granted compensation to the tune of Rs.14,34,000/- on account of death of Asha Rani, who died in road accident on 28.12.2018 when a Volvo Bus bearing registration No. HR-38-Y-0099 came from behind and hit the tavera car bearing No. HR68-5015 and due to forceful impact, the car hit the tavera car bearing CH-04-H-5002 in which the claimants along with Asha Rani were sitting. F.I.R No. 299 dated 29.12.2018, was registered under Sections 279/304-A/336/337/338/427 IPC against the driver of the offending Bus.

As per the Tribunal, the deceased in the present case was 45 years old at the time of the accident. The Tribunal took the income of the deceased at Rs.9000/- per month and applied the multiplier of 13, in view of

Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77. The claimants were awarded Rs.15000/- for

the last rites and Rs.15,000/- on accounts of loss of estate. The total compensation awarded to the claimants was Rs.14,34,000 /-.

The only argument raised by learned counsel for the appellant is that the income taken by the Tribunal is on the higher side and thus, the award has to be modified, as the deceased was only a house wife.

I have heard learned counsel for the parties and perused the record.

The argument raised by learned counsel for the appellant is likely to be rejected in view of 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.

Thus, in the present case, if the income of the deceased is taken at Rs.9000/- per month and no cut was to be imposed, the compensation is likely to be enhanced instead of reduced.

In view of the above mentioned judgment, no ground is made out to interfere in the impugned award dated 04.01.2020.

The appeal is dismissed.

15.01.2021

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No