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

FAO No.7021 of 2015 (O&M)
Date of Decision : 14.07.2022

Shriram General Insurance Company Limited

….Appellant

Versus

Ram Sanjivan and others

…..Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Punit Jain, Advocate
for the appellant.

Ms. Ekta Thakur, Advocate
for respondent No.1.

PANKAJ JAIN, J.

Insurer is in appeal challenging the award passed by the Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal).

2. Claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 by respondent No.1 claiming compensation on account of death of his wife Neelam in a motor-vehicular accident dated 25th January, 2014.

3. As per the claim petition, on 25th of January, 2014 while deceased Neelam was going on foot from village Behlana to village Raipur Khurd, she was hit by the offending vehicle. As a result she received multiple injuries. She later succumbed to her injuries suffered in the accident.

4. The claim petition was contested by the respondents. Based on

the pleadings of the parties, Ld. Tribunal framed the following issues :-

> *"1. Whether Neelam died due to injuries sustained by him in a road accident which took place on 25.1.2014 due to rash and negligent driving of truck No.HP12-C-4647 by respondent No.1? OPP*
>
> *2. Whether the claimant is entitled to any amount as compensation, if so, to what extent and from whom? OPP*
>
> *3. Whether respondent No.1 was not holding a valid driving licence at the time of accident, if so, its effect? OPR-3*
>
> *4. Relief."*

5. After analyzing the evidence on record, the Tribunal awarded an amount of Rs.15,21,000/- to the claimant along with interest @ 7.5% per annum from the date of filing of the petition till the date of realization.

6. Insurer is aggrieved of the quantum of compensation awarded by the Tribunal and has challenged the same in the instant appeal. Thus, the scope of the present appeal is confined to finding on Issue No.2.

7. The deceased was a home-maker and is stated to be working as a Tailor from her house only and earning Rs.8,000/- per month. Tribunal while returning findings on Issue No.2 held as under :-

> *"Accordingly, the notional income of the deceased is assessed at Rs.6000/-. The age of the deceased is 20 years as per the petition and in post mortem report her age has been mentioned as 25 years. As such, the age of deceased is taken to be 25 years. Accordingly, the multiplier to be adopted is 18. Thus, her yearly income comes to Rs.72,000/-. After applying multiplier of 18, the amount of compensation comes*

> *to Rs.12,96,000/-. The claimant no.1 is however entitled to an amount of Rs.1 lac towards loss of consortium and the claimant is also entitled to an amount of Rs.25000/- towards funeral expenses and Rs.1 lac on account of loss of estate. Thus, the total compensation, to which the claimants are entitled is Rs.15,21,000/- (12,96,000 + 1,00,000 + 25000 + 1,00,000).*

8. Ld. Counsel for the appellant asserts that the Tribunal erred in awarding Rs.1,00,000/- towards loss of consortium, Rs.25,000/- towards funeral expenses and Rs.1,00,000/- towards loss of estate. It is submitted that the said amounts are in teeth of law laid down by the Supreme Court in '**National Insurance Company Limited vs. Pranay Sethi and others', (2017) 16 SCC 680** and as per the same, compensation awarded under the said conventional heads needs to be reduced.

9. Ld. Counsel for respondent No.1 on the other hand would submit that in fact the Tribunal erred in assessing the income of the deceased i.e. home-maker @ Rs.6,000/- per month which on the relevant point of time was a income earned by a semi-skilled worker. It has been submitted that the work undertaken by the home-maker in the house cannot be compared to that of a semi-skilled worker, who is expected to work from 9.00 AM to 5.00 PM. A home-maker works around the clock thus, the finding returned by the Tribunal w.r.t. the income of the deceased deserves to be modified. Further, Tribunal erred in not adding element of future prospects while assessing loss of income. Reliance has been placed on the

judgment of this Court in case of **United India Insurance Co. Ltd vs. Sube Singh and others**, passed in **FAO No. 218-2014** on 15.01.2014.

10. I have heard Ld. Counsel for the parties and with their able assistance have gone through the records of the case.

11. There is a merit in the submission made by Counsel for the appellant to the effect that the amount awarded under the conventional heads is exorbitant and is much more than the parameters laid down by the Apex Court in **Pranay Sethi's** case (supra). However, at the same time this fact cannot be lost sight of that the Tribunal has assessed a home-maker equivalent to a semi-skilled worker which is overtly wrong. Reference can made to judgment passed by this Court in **Sube Singh's** case (supra) 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 unreasonable to estimate contribution of deceased at higher figure. The SLP filed against the said judgment has also been dismissed.

12. Thus, income of the deceased, who was a home-maker has to be assessed at Rs.10,000/- per month. An element of 40% future prospects needs to be added. Thus, in the considered opinion of this Court even if the compensation awarded by the Tribunal is recalculated it would not make

substantial difference in the same quantitatively.

13. Resultantly, this Court does not find any reason to interfere in the Award passed by the Tribunal.

14. Consequently, the appeal is dismissed.

July 14, 2022 **(PANKAJ JAIN)**
Dpr **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No