

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****135****FAO-872-2025 (O&M)****Date of Decision : 10.02.2025**

Rohit Kumar

....Appellant

VERSUS

Gagandeep Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Godara, Advocate for
Mr. A.P.S. Rehan, Advocate for the appellant.

ALKA SARIN, J. (Oral)**CM-2588-CII-2025**

1. For the reasons stated in the application, the same is allowed.

The delay of 21 days in filing the present appeal is condoned.

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2. Present appeal has been preferred by the owner of the offending vehicle challenging the award dated 18.09.2024 passed by the Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as the 'offending vehicle').

3. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

4. Learned counsel for the appellant would contend that deceased – Gurdev Kaur – in the present case was a homemaker and her income as assessed by the Tribunal is on the higher side. It is further the contention that

age of the deceased has been taken about 55 years on the basis of her Aadhaar card and there was no other proof of her age.

5. Heard.

6. In the present case the deceased was a homemaker. A homemaker does much more and infact she performs multiple functions in the house i.e. cooking for the family, cleaning the house, washing clothes and utensils, the list is endless. A homemaker is also a caretaker of her children as well as all the members of the house are taken care of by a homemaker. Hon'ble Supreme Court in the case of **Kirti & Anr. Vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]** held as under :

“42. Therefore, on the basis of the above, certain general observations can be made regarding the issue of calculation of notional income for homemakers and the grant of future prospects with respect to them, for the purposes of grant of compensation which can be summarized as follows:

a. Grant of compensation, on a pecuniary basis, with respect to a homemaker, is a settled proposition of law.

b. Taking into account the gendered nature of housework, with an overwhelming percentage of women being engaged in the same as compared to men, the fixing of notional income of a homemaker

attains special significance. It becomes a recognition of the work, labour and sacrifices of homemakers and a reflection of changing attitudes. It is also in furtherance of our nation's international law obligations and our constitutional vision of social equality and ensuring dignity to all.

c. Various methods can be employed by the Court to fix the notional income of a homemaker, depending on the facts and circumstances of the case.

d. The Court should ensure while choosing the method, and fixing the notional income, that the same is just in the facts and circumstances of the particular case, neither assessing the compensation too conservatively, nor too liberally.

e. The granting of future prospects, on the notional income calculated in such cases, is a component of just compensation.”

7. Keeping in view the contribution of a homemaker and the law laid down in the above referred case, no fault can be found with the income as assessed by the Tribunal i.e. Rs.10,000/- per month. Infact, the minimum wages in the State of Punjab at the relevant point of time were Rs.10,707/-.

8. The second argument of learned counsel for the appellant that age of the deceased has been taken as per her Aadhaar card and that there was no other evidence also is being noticed only to be rejected. The Aadhaar card was produced on the record as Ex.A3 showing her date of birth as 02.10.1966. There was no other evidence led by the driver and owner as well as the insurance company to the contrary. In view thereof, the age of the deceased as assessed by the Tribunal cannot be faulted with.

9. In view of the above, I do not find any merit in the present appeal and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

10.02.2025

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO