



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

FAO-4175-2001 (O&M)
Date of Decision: January 10, 2025

Duni Chand and another

...Appellants

VERSUS

Mohinder Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Shaveta Sanghi, Amicus Curiae
for the appellants.

None for respondents No.1 and 2.

Mr.V.K.Garg, Advocate
for respondent No.3-insurance company.

ARCHANA PURI, J.

The appellants-claimants have filed the present appeal to assail the Award dated 09.09.2000, whereby, compensation was awarded by learned Tribunal, on account of injuries sustained by Raj Bala, in a motor vehicular accident, on account of which, she died during the pendency of the claim petition, filed initially for seeking compensation, for the injuries sustained in the said accident.

The facts germane, to be noticed are that initially, Raj Bala had filed a claim petition for seeking compensation to the extent of Rs.8 lakh, on account of injuries sustained by her, in the accident in question. As per version of the claimants, on 03.07.1997, at about 10.00 a.m., Raj Bala along



with others, was going to Nelokheri in Jeep bearing registration No.HR-05E-0642 from her village. The said Jeep was driven by respondent No.2-Ramesh Kumar, in a rash and negligent manner and at a high speed. When the Jeep reached near Rajwaha of Brahan Majra, all of a sudden, the jeep turned turtle, as a result whereof, Raj Bala was badly crushed in the accident. The accident had taken place due to rash and negligent driving of the offending jeep by respondent No.2 and FIR No.541 dated 03.07.1997 was got lodged, qua the accident in question. However, the respondents, in their reply, had denied about the accident in toto.

On appraisal of the evidence adduced, learned Tribunal had concluded about the accident to have taken place due to rash and negligent driving of the offending jeep by respondent No.2-Ramesh Kumar and the same resulted into injuries on the person of the Raj Bala, as a result whereof, she had filed the claim petition. However, she had died during the pendency of the claim petition and thereupon, her husband and daughter were impleaded as LRs, who are the present appellants.

On the basis of the bills Ex.P1 to Ex.P32, it was concluded by learned Tribunal that amount spent on treatment of Raj Bala was Rs.15674/-. Besides the same, value of services was taken as Rs.1000/- per month and after application of multiplier of '15', the dependency was worked upon as Rs.1,80,000/-. Further, Rs.15,000/- was granted towards 'loss of consortium' and another amount of Rs.10,000/- was granted as 'funeral expenses'. In total, the compensation granted was Rs.2,05,000/-. However, at this juncture, it is pertinent to mention that even though, it was observed in the impugned Award about grant of amount of Rs.15674/-, as treatment



expenses, but however, the same was not taken into consideration, while making calculation of the total compensation, which, inclusive of this amount, now comes to be Rs.2,20,674/-.

The present appeal has been filed only to seek enhancement of the compensation. It is submitted by learned counsel for the appellants that value of services of Raj Bala has been taken on lower side as Rs.1000/- per month, whereas, it ought to be taken as Rs.6000/- per month. Even, it is submitted that the multiplier applied is on lower side. Besides the same, also it is submitted that on account of future prospects, looking at the age of deceased Raj Bala to be 35 years, addition of 40% ought to be made and thus, amount awarded is required to be enhanced.

On the contrary, learned counsel for the insurance company, though do not dispute about the factum of accident and death of Raj Bala, on account of injuries in the accident in question, but however, he submits that the value of services taken by learned Tribunal as Rs.1000/- per month, is just and reasonable, which calls for no further enhancement.

In view of the aforesaid submissions, it is relevant to make mention to ***Lata Wadhwa vs. State of Bihar, 2001(8) SCC 197***, wherein emphasis was laid by the Court to determine the compensation, on the basis of services rendered by the homemaker to the house and on the basis thereof, it was observed that though, there is no data for determination of compensation, but however, taking into consideration, the multifarious services rendered by the housewives for managing the entire family, the value of the services should be assessed and compensation be worked upon.

In Arun Kumar Aggarwal vs. National Insurance Company



Ltd., 2010(9) SCC 218, while considering the case of grant of compensation, on account of death of a housewife, due to the motor vehicle accident, it was observed that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. Furthermore, it was observed that the gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs, cannot be equated with the services rendered by others. The Court also observed that though, it was impossible to quantify any amount, in lieu of the services rendered by the wife/mother, to the family, but however, for the purposes of award of compensation to the dependents, some pecuniary estimate has to be made of the services of the housewife/mother. In this context, it was held that the term “services” is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife.

Beneficial reference is also made to *Kirti and another v/s Oriental Insurance Company Ltd., 2021(2) SCC 166*, wherein, the Hon'ble Supreme Court, while considering the case of death of a homemaker, has observed, as herein given:-

“32. Returning to the question of how such notional income of a homemaker is to be calculated, there can be no fixed approach. It is to be understood that in such cases the attempt by the Court is to fix an approximate economic value for all the work that a homemaker does, impossible though that task may be. Courts must keep in mind the idea of awarding just compensation in such cases, looking to the facts and circumstances.”

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“35. However, it must be remembered that all the above



methods are merely suggestions. There can be no exact calculation or formula that can magically ascertain the true value provided by an individual gratuitously for those that they are near and dear to. The attempt of the Court in such matters should therefore be towards determining, in the best manner possible, the truest approximation of the value added by a homemaker for the purpose of granting monetary compensation.

36. Whichever method a Court ultimately chooses to value the activities of a homemaker, would ultimately depend on the facts and circumstances of the case. The Court needs to keep in mind its duty to award just compensation, neither assessing the same conservatively, nor so liberally as to make it a bounty to claimants [National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680; Kajal v. Jagdish Chand, (2020) 4 SCC 413].”

Therein, it was also held that effects of inflation would equally be applied to the cases of assessment of notional income of the homemaker and on this account, it was further held that the future prospects, also are required to be taken into consideration.

Thus, summing up, general observations were made regarding the issue of calculation of notional income for homemakers and grant of future prospects, with respect to them, for the purposes of grant of compensation, which was 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.”

In this backdrop, advertent to the case in hand, it is pertinent to mention that on 01.07.1998, in the State of Haryana, the minimum wages for the unskilled worker was Rs.1268/- per month. Taking the same into consideration, it would be just and appropriate to take value of services of deceased Raj Bala as Rs.1500/- per month.

As per ***Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77***, considering the number of dependents, deduction to the extent of 1/3rd, on the count of ‘personal expenses’, ought to be made and as such, the loss of dependency comes to be Rs.1500-500=Rs.1000/-.

Considering the age of the deceased to be 35 years, as per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, addition of 40%, ought to be made, on the count of ‘future prospects’. Thus, the value of services of the deceased is worked upon as Rs.1000+400=**Rs.1400/-**, annual whereof, comes to be Rs.16,800/-.

As per ***Sarla Verma’s case (supra)***, the appropriate and suitable multiplier, to be applied is ‘16’ instead of ‘15’ as applied by learned Tribunal, and thus, by applying the same, the loss of dependency, works out to be Rs.16800x16=**Rs.2,68,800/-**.

As per ***National Insurance Company Limited vs. Pranay Sethi***



FAO-4175-2001

-7-

and others, 2017(4) RCR (Civil) 1009, on the count of ‘funeral expenses’, the compensation payable, at present, comes to be **Rs.18,150/-**.

Even, the amount of bills of the treatment, which are Ex.P1 to Ex.P32, as observed by learned Tribunal, ought to be granted, which is Rs.15,674/-.

Considering the same, the compensation payable to appellants-claimants, on account of death of Raj Bal, is computed, as herein given:-

Loss of dependency	:	Rs.2,68,800/-
Funeral expenses	:	Rs.18,150/-
Medical expenses	:	Rs.15,674/-
Total	:	Rs.3,02,624/-

As such, the compensation stands enhanced to **Rs.3,02,624/-**.

Accordingly, the impugned Award dated 09.09.2000 stands modified, to the extent, as indicated aforesaid. The residue terms of the Award, as ordered by learned Tribunal, shall remain the same.

With the above observations, the present appeal stands allowed.

January 10, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No