



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

FAO-1756-2008 (O&M)
Date of Decision: March 03, 2025

Tamanna Sharma and another

...Appellants

VERSUS

Suresh Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Arihant Jain and Mr.Rishav Jain, Advocates
for the appellants.

Mr.R.C.Kapoor, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation granted by learned Motor Accident Claims Tribunal, on account of death of Ritu Sharma, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 11.06.2005 and it was concluded by learned Tribunal that the same had taken place, on account of rash and negligent driving of truck bearing registration No.HR-37-9791, driven by respondent No.1-Suresh Kumar and the same resulted into death of Ritu Sharma.

It is only the appeal filed at the instance of the claimants for seeking enhancement of the compensation.



On the basis of the evidence and considering the fact of appellant-claimant No.2-Pritam Nirmal, to have got re-married, after death of Ritu Sharma, learned Tribunal had granted a lumpsum compensation of Rs.2,00,000/- and the liability of respondents No.1 to 3 was held to be, joint and several, to pay the compensation.

Now, it is submitted by learned counsel for the appellants-claimants that value of services of the deceased had been taken, while granting compensation, even less than that of unskilled worker, which calls for enhancement. Besides the same, also it is submitted that the various counts, which ought to be taken into consideration for the assessment of the compensation, have been given amiss.

On the contrary, learned counsel for the insurance company submits that from the evidence, brought on record, it stands established that after the death of Ritu Sharma, her husband Pritam Nirmal had re-married. Even, the fact of re-marriage has been admitted by Pritam Nirmal, while facing cross-examination and therefore, he is not entitled to any compensation, on account of re-marriage.

However, the aforesaid submission is not tenable. It is to be noticed that simply because, Pritam Nirmal, widower of the deceased, got re-married, it could not be a reason to deprive him of rightly claim. Re-marriage of a person has nothing to do with his/her right, which accrued to him/her to seek compensation, on account of loss, which has accrued as a result of unnatural demise of life partner. The decision to re-marry is entirely a personal choice of the spouse and nobody can have say in the same. Suffice to consider that right of a person, to claim compensation, on account



of death of spouse, stands crystallized upon the loss of life of the spouse, being tragically snatched away in the motor accident. Therefore, simply on the score of re-marriage, the claim, as such, does not abate or lessen.

But however, the proportionate share of the husband, who has re-married, can be taken into consideration, in the backdrop of the number of other dependents of the deceased, more particularly, children of the deceased.

In this backdrop, the lumpsum compensation, so granted by learned Tribunal, in the case in hand, definitely call for extensive enhancement.

Time and again, it has been held by the Courts to determine the compensation, on the basis of services rendered by the homemaker to the house and on the basis thereof, it is held by the Courts that even though, there is no data for determination of compensation, but however, taking into consideration, multifarious services rendered by the housewives for managing the entire family, the value of the services should be assessed and compensation be worked upon.

It is necessary to keep in mind that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs, in any manner, cannot be equated with the services rendered by others. However, pecuniary estimate has to be made, with regard to the services of the housewife/mother. In this context, it is held by the Courts that the term “**services**” is required to be given a broad meaning and must be construed,



while 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.

Considering the aforesaid, adverting to the case in hand, it is pertinent to mention that from the educational certificates of the deceased, proved in evidence, it is evident that date of birth of Ritu Sharma was 23.12.1977 and so calculating, on the date of accident i.e. 11.06.2005, she was about 28 years old. Though, it was asserted about the deceased to be earning Rs.10,000/- per month, while indulging in tuition and weaving work, but however, no evidence, with regard to the same, had come on record.

May it be so, but however, the services rendered by the housewife, ought to be taken into consideration. Similarly, it is pertinent to mention that from the educational certificates, which are coming on record, it is evident that deceased was Graduate and therefore, her outlook is bound to be broad and her level of taking care of the house as well as grooming of her children, is bound to be of better quality. Considering the same and the numerous duties performed by every housewife, while nurturing her home, the value of her services, in any case, cannot be taken at the minimum tier of earnings as that of unskilled worker. Considering the educational inputs of the deceased and the numerous duties, which she is bound to look after, more particularly, the deceased to be having minor daughter, in modest estimate, the earnings of the deceased are taken as Rs.7000/- per month.

Considering age of deceased to be 28 years, addition of 40%, ought to be made, on the count of 'future prospects'. Thus, addition of Rs.2800/- is to be made and after making such addition, the earnings of the deceased, comes to be **Rs.9800/-** per month. Considering the number of



dependents, the deduction of 1/3rd is to made, on the count of ‘personal expenses’, which comes to be Rs.3266/- and the residue earnings comes to be **Rs.6534/-**,annual whereof is **Rs.78,408/-**. As per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, considering the age of the deceased, ‘17’ is the suitable multiplier to be applied. Thus, by applying the same, the loss of dependency comes to be **Rs.78408x17=Rs.13,32,936/-**.

Besides the aforesaid, on the count of ‘loss of consortium, both the appellants-claimants, who are husband and daughter, are entitled to Rs.48,400/- each and they are also entitled to compensation, on the counts of ‘**loss of estate**’ as well as ‘**funeral expenses**’, which is **Rs.18,150/-**, on each count.

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

Loss of dependency	:	Rs.13,32,936/-
Loss of consortium	:	Rs.96,800/-
Loss of estate	:	Rs.18,150/-
Funeral expenses	:	Rs.18,150/-
Total	:	Rs.14,66,036/-

As such, the compensation stands enhanced from Rs.2,00,000/- to Rs.14,66,036/-. On the amount of the compensation, as now worked upon, the appellants-claimants are held entitled to the interest, at the rate of 6% per annum, from the date of filing of the claim petition, till realization of the amount of compensation. Out of the amount of compensation as now



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worked upon i.e. Rs.14,66,036/-, appellant-claimant No.1 is held entitled to Rs.8,00,000/- and appellant-claimant No.2 is held entitled to the residue amount of compensation of Rs.6,66,036/-.

The impugned Award dated 21.01.2008 stands modified, to the extent, as indicated aforesaid. The residue terms of the impugned Award, shall remain the same.

With the above observations, the present appeal stands allowed.

March 03, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No