



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

FAO-583-2013 (O&M)
Date of Decision: January 13, 2026

Ram Mehar Singh and another

...Appellants

VERSUS

Jeevan Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Surinder Gaur, Advocate
for the appellants.

Mr.Vinod Chaudhri, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation, awarded by learned Tribunal, on account of death of Sheela Devi, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 15.10.2010. On appraisal of the evidence brought on record, learned Tribunal had concluded about the accident to have taken place, on account of rash and negligent driving of Canter bearing registration No.PB-10CN-9181, driven by respondent No.1-Jeevan Kumar and the same resulted into death of Sheela Devi.

It is only the appeal filed at the instance of the appellants-



claimants, for seeking enhancement of the compensation.

It is the pleaded case of the appellants-claimants that deceased Sheela Devi was 23 years old and was a housewife. On the basis of the evidence, brought on record, learned Tribunal had considered the deceased to be housewife only, looking after her family and thus, her contribution towards family was considered as Rs.2500/- per month i.e. Rs.30,000/- per annum. After deducting 1/3rd towards 'personal expenses', the contribution towards family was assessed to be Rs.20,000/- per annum. Considering the age of the deceased, multiplier of '18' was applied and loss of dependency was worked upon as $\text{Rs.20,000} \times 18 = \text{Rs.3,60,000/-}$. Besides the same, another amount of Rs.10,000/-, on the count of 'loss of consortium' was awarded to appellant-claimant No.1. Even, an amount of Rs.5000/- each was granted on the counts of 'loss of estate' and 'last rites'. Further, on the count of medical expenditure incurred on the treatment of deceased, soon after the accident, on the basis of medical bills Mark E to Mark V, amount to Rs.28,587/- were considered, which were rounded off as Rs.29,000/- and the same was also awarded. Thus, the total compensation awarded was Rs.4,09,000/-.

However, as per prevalent law, the compensation worked upon aforesaid, do call for re-computation.

On the basis of the evidence, brought on record, learned Tribunal had appropriately considered the deceased to be housewife. However, her contribution of value of services towards the household, has been inappropriately considered as Rs.2500/- per month.

It should always be kept in mind that the Motor Vehicles Act is a benevolent piece of legislation and the compensation awarded under the



same ought to be ‘just and reasonable’.

Time and again, it has been held by the Courts, that to determine the compensation for the services rendered by the homemaker to the house, is a difficult task. There is no data for determination of compensation by following any strait-jacket formula, but however, taking into consideration, the multifarious duties rendered by the housewives for managing the entire family, the value of the services should be assessed and compensation be worked upon. In any case, the value of her services, cannot be taken at the minimum tier of earnings, as that of unskilled worker. However, in the case in hand, even the value of contribution made by the deceased towards her family has been taken, which is much below the prevalent wages of the unskilled worker.

Beneficial reference, in this regard, is 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, the following observations were made, 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, now adverting to the case in hand, it is pertinent to mention that the accident had taken place on 15.10.2010. At the relevant time, the minimum wages of the un-skilled worker was Rs.4348.21 per month and that of the skilled worker, it was Rs.4738.21. However, looking at the valuable services, rendered by the housewife and also taking into consideration the loss of personal care and attention given by the deceased housewife to the children, as a mother and to her husband, as a wife, in any case, her services cannot be equated with that of skilled/un-skilled worker.

Considering the same, amount of Rs.2500/-, as taken by learned Tribunal, as notional earnings, is on lower side. Keeping in view the various multifarious duties rendered by deceased housewife, in modest estimate, the notional earnings, at the relevant time, can appropriately be taken as Rs.6,000/- per month. Taking it to be so, further determination of the compensation has to be worked upon.

Deceased Sheela Devi was 23 years old, at the relevant time. Considering her age, addition of 40% ought to be made, on the count of 'future prospects'. Considering the number of dependents, deduction to the extent of 1/3rd, on the count of 'personal expenses', ought to be made, as done by learned Tribunal. The suitable multiplier, to be applied is '18'.

Besides the aforesaid, under the conventional heads also, more specifically, on the count of 'loss of consortium', the amount ought to be enhanced. An amount of Rs.10,000/- has been awarded only to appellant-claimant No.1. However, as per *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, all



the dependents are entitled to compensation, on the count of ‘loss of consortium, be it ‘filial’, ‘spousal’ or ‘parental’, which also comprehends ‘loss of love and affection’. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to each dependent is Rs.48,400/-. Thus, both the appellants-claimants are also entitled to compensation, on the count of ‘loss of consortium’ to the extent of Rs.48,400/- i.e. **Rs.96,800/-**. Even, on the count of ‘loss of estate’ and ‘funeral expenses’, the amount now payable is **Rs.18,150/-** on each count.

Moreover, learned Tribunal has appropriately granted an amount of **Rs.29,000/-**, on the count of ‘medical expenses’, on the basis of the bills, with regard to the medical expenditure incurred on the treatment of deceased, soon after the accident.

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

Monthly income	Rs.6,000/-
Addition of 40%	Rs.6000+2400=Rs.8400/-
Deduction of 1/3rd	Rs.8400-2800=Rs.5600/-, annual whereof is Rs.67,200/-
Multiplier of ‘18’	Rs.67,200x18= Rs.12,09,600/-
Loss of consortium	Rs.96,800/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Medical expenses	Rs.29,000/-
Total	Rs.13,71,700/-



FAO-583-2013

-7-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.13,71,700-4,09,000=Rs.9,62,700/-**. On the enhanced amount of the compensation i.e. **Rs.9,62,700 /-**, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The enhanced amount of compensation shall be disbursed to the appellants-claimants, in equal shares.

The impugned Award dated 01.08.2012 stands modified, to the extent, as indicated aforesaid. The remaining terms, with regard to the liability to pay the compensation, shall remain the same.

January 13, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No