

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

FAO-3016-2015 (O&M)

Date of Decision: September 04, 2019

Mahinder Lal and others

Appellants

Versus

Kuldeep Singh @ Dhola and others

Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinod K. Kanwal, Advocate for
Mr. Ashit Malik, Advocate
for the appellants.

Mr. Siddharth Gulati, Advocate
for respondent No. 1 and 2.

Ms. Sheenu Sura, Advocate
for respondent No. 3.

JAISHREE THAKUR, J. (Oral)

This is an appeal that has been filed seeking enhancement of compensation as allowed by the Motor Accident Claims Tribunal, Kaithal.

The brief facts of the case are that an accident took place on 15.04.2013 between a truck tipper bearing registration No. HR 64-2380 and an alto car bearing No.HR7M-3516 in which the deceased Raj Rani, aged 55 years was traveling. On Account of death of Raj Rani, stated to be 55 years, a claim was filed before the MACT, Kaithal, which was contested by the respondents namely the Driver and the Insurance Company. After the evidence was led, the Tribunal came to the conclusion that the offending vehicle was being driven in a rash and negligent manner which resulted into accident, that took place. To assess compensation on account of the untimely death of Raj Rani, the income of the

deceased was assessed to be @ ₹ 7000/- per month thereby her annual income came to be as ₹84,000/-. Being a housewife of 55 years, a multiplier of 11 was allowed by taking into account the judgment as rendered in **Smt. Sarla Verma and others Vs. Delhi Transport Corporation, 2009 (3) PLR 22**. The Tribunal also allowed a sum of ₹1 lakh for loss of consortium and a sum of ₹50000/- to be paid as loss of estate along with funeral expenses to the tune of ₹25,000/-. The total compensation as assessed was ₹10,49,000/-.

Learned counsel for the appellant herein would contend that the compensation has not been assessed properly while allowing future prospects as has been allowed in a judgment titled as **National Insurance Company Limited Vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009**, which is a judgment rendered by the Constitutional Bench.

Per contra, learned counsel for the Insurance Company disputes the liability of paying a sum of ₹1.75 lakhs on account of loss of consortium and loss of love & affection by stating that the said compensation is not in consonance with the judgment rendered by the Constitutional Bench. However, the learned counsel does not dispute the fact that future prospects have not been allowed, which ought to have been assessed @ 40% of her income.

I have heard the learned counsels for the parties and found that the judgment passed by the MACT, Kaithal dated 20.11.2014 needs to be modified to the extent that the claimants would also be entitled for the enhanced income of the deceased i.e. ₹9000/- per month instead of ₹7000/- as allowed by the Co-ordinate Bench in '**United India Insurance Company Limited vs. Sube Singh and Others**' in FAO-218-2014. The role of a housewife can not be diminished. Apart from being a home maker, she also performs multifarious tasks for which she is not paid. Keeping in view the judgment of the Supreme Court in **National Insurance**

Company Limited Vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009 and **Smt. Sarla Verma and others Vs. Delhi Transport Corporation, 2009 (3) PLR 22.** Therefore, the compensation as payable to the appellants is re-worked and tabulated as under:-

Sr. No.	Heads of claim	Calculation
1	Name of the deceased	Raj Rani
2	Date of accident	15.04.2013
3	Age of the deceased	55 years
4	Notional income of the deceased housewife	9000/- per month
5	Compensation calculated after applying the multiplier of 11	9000x12x11= 11,88,000/-
6	Conventional heads (as allowed by Pranay Sethi case)	70000/-
7	Total : (7+8)	12,58,000/-

As a sequel of my discussion above, the appeal is partly allowed. The award of the Tribunal is modified and the total compensation payable to the claimants shall be ₹12,58,000/- and the amount in excess i.e. ₹2,09,000/- over what was awarded will also attract interest @7.5% from the date of filing of the appeal in this Court till the date of payment. The claimants will share the amount of compensation as per the award of the Tribunal.

September 04, 2019
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No