



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

**FAO-1282-2010 (O&M)  
Date of Decision: May 06, 2025**

Yogindera Parsad and others

...Appellants

VERSUS

Gopal Singh and others

...Respondents

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Rajeev Dev Sharma, Advocate  
for the appellants.

Mr.Manish Verma, Advocate for  
Mr.J.S.Lalli, Advocate  
for respondent No.2.

Mr.Avtar Singh Bhatti, Advocate for  
Mr.Eklavya, Advocate for respondent No.3.

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**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 Devanti Kushwala in a motor vehicular accident.

Suffice to consider that the accident had taken place on 10.03.2006. It was concluded by learned Tribunal that the accident had taken place, on account of rash and negligent driving of truck bearing registration No.PB-03C-4522, driven by respondent No.1-Gopal Singh and the same resulted into death of Devanti Kushwala.



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

It is pleaded case of the appellants-claimants that deceased was 29 years old and was indulging in tailoring and painting business and was earning Rs.5,000/- per month.

However, on the basis of the evidence, brought on record, learned Tribunal had considered the deceased to be a housewife only, looking after her family and thus, her contribution towards the family was considered to be Rs.1000/- per month, in the shape of love and affection and care and accordingly, the annual contribution was taken as Rs.12,000/-. Considering the age of the deceased to be 29 years, multiplier of '17' was applied and the compensation was worked upon as Rs.2,04,000/-. Besides the aforesaid, another amount of Rs.9000/- was awarded, towards loss of consortium, transportation of dead body and amount spent on other religious rites. Thus, the total compensation worked upon was Rs.2,13,000/-.

However, considering the same, it is pertinent to mention that the wages of the unskilled worker, prevalent at the relevant time was Rs.2447/- per month and thus, the extent of contribution has been taken by learned Tribunal, even below the earnings of an un-skilled daily wager. Considering the same, as per prevalent law, definitely the compensation awarded calls 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 further held by the Courts that even though, there is no data for determination of compensation, 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.

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 repeatedly 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 Yogindera Parsad-appellant-claimant No.1, who is husband of the deceased, while in the witness box as AW-1, besides tendering into evidence, his affidavit Ex.AW1/A, had also tendered into evidence, apart from the post-mortem report and FIR, the school certificate of the deceased Ex.A3 and educational and certificates of painting and tailoring Mark A to Mark F. Close perusal of the aforesaid documents reveals that the date of birth of deceased was 19.01.1979 i.e. she was 27 years old, at the time of accident. Also, it stands established that she had passed matriculation and besides the same, she had also undergone, the training course in painting and tailoring and the merit certificate was issued by Army Wives Welfare



Association.

Considering the same, definitely, her outlook is bound to be more 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, she is bound to look after, more particularly, while having the skill of tailoring and painting, in modest estimate, the earnings of the deceased are taken as Rs.5000/- per month.

Considering age of deceased to be 27 years, addition of 40%, ought to be made, on the count of 'future prospects'. Thus, addition of Rs.2000/- is to be made and after making such addition, the earnings of the deceased, comes to be **Rs.7000/-** 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.2333/- and the residue earnings comes to be  $Rs.7000-2333=Rs.4667/-$ , annual whereof is **Rs.56,004/-**. 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 appropriate multiplier to be applied. Thus, by applying the same, the loss of dependency comes to be  **$Rs.56004 \times 17 = Rs.9,52,068/-$** .

Besides the aforesaid, on the count of '**loss of consortium**', all the appellants-claimants, are entitled to prevalent amount of Rs.48,400/- each i.e.  $Rs.48,400 \times 3 = Rs.1,45,200/-$  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 Devanti Kushwala, is re-computed, as herein given:-

<b>Loss of dependency</b>	<b>:</b>	<b>Rs.9,52,068/-</b>
<b>Loss of consortium</b>	<b>:</b>	<b>Rs.1,45,200/-</b>
<b>Loss of estate</b>	<b>:</b>	<b>Rs.18,150/-</b>
<b>Funeral expenses</b>	<b>:</b>	<b>Rs.18,150/-</b>
<b>Total</b>	<b>:</b>	<b>Rs.11,33,568/-</b>

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.11,33,568-2,13,000=Rs.9,20,568/-**. On the enhanced amount of the compensation i.e. **Rs.9,20,568/-**, 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. Out of the enhanced compensation, as now worked upon i.e. **Rs.9,20,568/-**, appellant-claimant No.1 is held entitled to Rs.4,20,568/- and appellants-claimants No.2 and 3, are held entitled to Rs.2,50,000/- each.

The impugned Award dated 03.06.2009 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.

**May 06, 2025**  
Vgulati

**(ARCHANA PURI)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

**Yes**  
**Yes/No**