



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Misc. Appeal No. 3057/2017

1. Lrs Of Purakh Singh S/o Shri Anad Singh.
- 1/A. Anada Singh S/o Shri Jawar Singh, Aged about 69 years,
R/o Village Gumansinghpura, Tehsil Shergarh, District
Jodhpur.

----Appellant

Versus

1. Narendra Singh S/o Sh. Ganga Singh R/o Udhgan, P.S.
Paldi, District Sirohi at present residing at Shergarh,
Tehsil Shergarh, District Jodhpur.
2. Gopikishan S/o Chhaganlal, R/o Bank Road, Shergarh,
Tehsil Shergarh, District Jodhpur.
3. Reliance General Insurance Company Ltd., Office, Maker
Tower, Nityanand Road, Vaishali Nagar, Jaipur. Insurance
Company Of The Bolero Jeep No. Rj19-Ua-2446 Police No.
2502902311101432 Period 28.11.2010 To 27.11.2011

----Respondents

For Appellant(s) : Mr. Praveen Choudhary.
For Respondent(s) : Mr. Vishal Singhal (for respondent-
Insurance Company).

HON'BLE DR. JUSTICE NUPUR BHATI

Order

25/09/2025

1. The instant misc. appeal has been filed by the claimant/appellant under Section 173 of the Motor Vehicles Act, 1988 ('the Act of 1988') challenging the validity of judgment/award dated 24.05.2017 passed by the learned Judge Motor Accidents Claim Tribunal (First), District Jodhpur ("Tribunal") in M.A.C Case Number 93/2012 (941/14) whereby the learned Tribunal has partly allowed the claim petition of the claimant and awarded an amount of compensation to the tune of Rs.4,33,000/- in total with the interest @ 9% p.a. while fastening the liability upon respondents jointly and severally.



2. Brief facts of the case are that On 03.11.2011, at about 6:00 A.M., deceased-Smt. Kamla Kanwar was going towards her agricultural field situated near village Gumansinghpura. At that time, a Bolero Jeep bearing registration No. RJ-19-UA-2446, driven rashly and negligently by respondent No.1, came from Shergarh side and hit her. She sustained grievous injuries and died on the spot. A claim petition was initially filed by her husband Purkha Singh, but during pendency he expired. Thereafter, her father-in-law, the present appellant, was brought on record as dependent. The appellant pleaded before the learned Tribunal, that the deceased was a homemaker, contributing substantially in agricultural activities, used to earn Rs.5,000/- per month. The respondents denied liability to pay quantum of compensation to the appellant. The Insurance Company pleaded that the accident was caused by another Bolero bearing No.RJ-19-UA-2872 and further contended breach of policy conditions.

3. The learned Tribunal, after appreciating evidence, held the driver of Bolero No.RJ-19-UA-2446, negligent, and awarded Rs.4,08,000/- towards loss of dependency and Rs.25,000/- towards funeral expenses, totaling Rs.4,33,000/-, deducting interim award of Rs.50,000/- and being aggrieved of such meager amount awarded by the learned Tribunal, the present misc. appeal has been filed by the appellant/claimant.

4. Learned counsel for the appellant submits that the learned Tribunal has assessed the income of the deceased as Rs.3,000/- per month, without reference to minimum wages, though as per settled law, the notional income of a homemaker cannot be undervalued. He submits that the learned Tribunal failed to add



future prospects, whereas as per the judgment of the Hon'ble Supreme Court in **National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680**, an addition of 40% is required for a deceased below 40 years of age. Further the learned Tribunal deducted 1/3rd towards personal expenses, while in the case of a married woman with only one dependent, deduction ought to be 1/2, as per the judgment in the case of **Sarla Verma v. DTC (2009) 6 SCC 121**. He further submits that the learned Tribunal has failed to award compensation under non-pecuniary heads viz. loss of consortium and loss of estate and has awarded a meager sum of Rs.25,000/- towards funeral expenses, which deserves enhancement as per the principles laid down in *Pranay Sethi (supra)*.

5. In support of his contentions, learned counsel for the appellant/claimant places reliance upon the judgment passed by High Court of Gauhati in the case of **Sri Mrinal Kanti Debnath & Ors. v. M/s United Insurance Co. Ltd. & Ors. : Case No.MAC App.No.31/2017**.

6. In totality, he submits that the compensation awarded by the learned Tribunal, is grossly inadequate and deserves to be enhanced in the interest of justice.

7. *Per contra*, learned counsel for the insurance company vehemently opposes the submissions advanced by the appellants' counsel and submits that the deceased was not earning, and as such the assessment of Rs.3,000/- per month was in fact on the higher side. He also submits that a homemaker's contribution is not to be equated with actual employment income; hence the learned Tribunal's assessment is justified. He submits that the



learned Tribunal has rightly deducted 1/3rd as per the prevailing practice, and has awarded just compensation and, thus, no interference is called for in the impugned award.

8. I have heard and considered the submissions advanced at Bar and have gone through the impugned award.

9. Upon bare perusal of the award passed by the learned Tribunal, it is abundantly clear that the learned Tribunal has not awarded compensation under the non-pecuniary heads viz. Consortium and Loss of Estate and thus, the same deserves to be enhanced. It is further seen that future prospects ought to have been given by the learned Tribunal in favour of the claimant. Thus, the same is awarded as 40%. It is worthwhile to mention here that the learned Tribunal has assessed the income of the deceased as Rs.3,000/-, whereas, looking to the peculiar facts and circumstances of the case, this Court deems it appropriate to assess the income of the deceased as per the minimum wages of the skilled labour prevalent at the time of the untoward incident i.e. in the year 2011, which will be Rs.4,650/-.

10. The Hon'ble Apex Court in the catena of judgments has consistently recognized the significant and invaluable contribution of homemakers and has time and again, held that services of homemakers must be given pecuniary value while awarding compensation in motor accident and similar claims. Relevant portions of the said judgments, rendered by the Hon'ble Apex Court, are as follows:-

***In Lata Wadhwa v. State of Bihar* reported in (2001) 8 SCC 197:**

"10. So far as the deceased housewives are concerned, in the absence of any data and as the housewives were not





earning any income, attempt has been made to determine the compensation on the basis of services rendered by them to the house. On the basis of the age group of the housewives, appropriate multiplier has been applied, but the estimation of the value of services rendered to the house by the housewives, which has been arrived at Rs. 12,000 per annum in cases of some and Rs. 10,000 for others, appears to us to be grossly low. It is true that the claimants, who ought to have given data for determination of compensation, did not assist in any manner by providing the data for estimating the value of services rendered by such housewives. But even in the absence of such data and taking into consideration the multifarious services rendered by the housewives for managing the entire family, even on a modest estimation, should be Rs. 3000 per month and Rs. 36,000 per annum..."

In Arun Kumar Agrawal v. National Insurance Co. Ltd., (2010) 9 SCC 218:

"26. In India the courts have recognised 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 cannot be equated with the services rendered by others. A wife/mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc., but she can never be a substitute for a wife/mother who renders selfless service to her husband and children.

27. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family, i.e., the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, 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. They are entitled to adequate compensation in lieu of the loss of gratuitous services rendered by the deceased. The amount payable to the dependants cannot be diminished on the ground that some close relation like a grandmother may



volunteer to render some of the services to the family which the deceased was giving earlier.”

In Kirti & Anr. v. Oriental Insurance Company Ltd., 1 S.C.R. 989:

“10. The sheer amount of time and effort that is dedicated to household work by individuals, who are more likely to be women than men, is not surprising when one considers the plethora of activities a housemaker undertakes. A housemaker often prepares food for the entire family, manages the procurement of groceries and other household shopping needs, cleans and manages the house and its surroundings, undertakes decoration, repairs and maintenance work, looks after the needs of the children and any aged member of the household, manages budgets and so much more. In rural households, they often also assist in the sowing, harvesting and transplanting activities in the field, apart from tending cattle [See Arun Kumar Agrawal (supra); National Insurance Co. Ltd. v. Minor Deepika rep. by her guardian and next friend, Ranganathan, 2009 SCC OnLine Mad 828]. However, despite all the above, the conception that housemakers do not “work” or that they do not add economic value to the household is a problematic idea that has persisted for many years and must be overcome.”

11. After arriving at a conclusion that the award passed by the learned Tribunal deserves to be modified, both the counsel were directed to jointly submit the calculation of the compensation awardable to the claimant afresh in light of the guidelines laid down by Hon’ble the Supreme Court in the cases of **National Insurance Company Limited vs. Pranay Sethi & Ors.** reported in **(2017)16 SCC 680** and **Sarla Verma Vs. Delhi Transport Corporation** reported in **AIR 2009 SC 3104**, The award is modified in the following manner:-

Particulars	Awarded by Tribunal	Amount awarded by this court
Monthly Income of the deceased	Rs.3,000/-	Rs.4,650/-
(Add) 40% Future Prospects (Rs.4650 + 40%)	Not Awarded	Rs.Rs.6,510/-
(Less) deduction 1/2 i.e. Rs.6510	Rs.1,000/-	Rs.3,255/-





- 3,255/-		
Rs.3,255/- x 12 x 17 (multiplier)	Rs.4,08,000/-	Rs.6,64,020/-
(Add) Rs.18,150/- towards funeral expenses and Rs.18,150/- towards loss of estate+ (Add) Rs.48,400/- towards loss of consortium.	Rs.25,000/- (Funeral Expenses)	Rs.84,700/-
TOTAL	Rs.4,33,000/-	Rs.7,48,720/-
ENHANCED AMOUNT	Rs.3,15,720/-	



12. Accordingly, the instant misc. appeal is partly allowed and modified accordingly, the amount of compensation payable to the claimant is further enhanced by **Rs.3,15,720/-** in the terms stated above. The enhanced amount shall carry interest as awarded by the learned Tribunal from the date of filing of claim petition till the date of deposit. The enhanced amount shall be deposited by the respondents jointly and severally. The amount of compensation, if any disbursed to the appellant/claimant, shall be adjusted accordingly.

13. No order as to costs.

(DR. NUPUR BHATI),J

14-pradeep/-