

Before:- Surinder Gupta, J.

FAO No. 3024 of 2013 (O&M). D/d. 20.02.2019.

Gian Singh and others - Appellants.

**Versus**

Gurwinder Singh and others - Respondents.

For the Appellant:- Mr. Jashanpreet Singh and Mr. Ashish Aggarwal, Advocates.

For the Respondent No.3-Insurance Company:- Mr. Vinod Gupta, Advocate.

**Motor Vehicles Act, 1988 Section 163A Compensation - Income of Housewife - Monthly income assessed by the tribunal as Rs. 3000/- per month - Income of a housewife cannot be less than the minimum wages prescribed for a skilled worker - Petition has been filed under Section 163A of the Act, as such, the annual income of the deceased is to be capped at Rs. 40,000/-, as the minimum wages prescribed for the skilled worker as on 01.07.2011 was more than Rs. 4,700/-.**

[Paras 5 and 6]

Case Referred :

[Sarla Verma v. Delhi Transport Corporation \(2009\) 6 SCC 121](#)

JUDGMENT

**Surinder Gupta, J.** - This is appeal against the award dated 21.02.2013 passed by Motor Accident Claims Tribunal, Amritsar (later referred to as 'the tribunal') on the petition under Section 163A of Motor Vehicles Act, 1988 (for short the Act) filed by appellants-claimants for the death of Gurjit Kaur wife of appellant-claimant No.1 and mother of appellants-claimants No.2 and 3, in a motor vehicle accident with Bus bearing registration No.PB-05-Q-0888.

2. As the only issue involved in this appeal relates to quantum of compensation as awarded by tribunal, detailed facts of the case are being skipped for the sake of brevity.

3. The tribunal allowed compensation of Rs. 1,90,000/-, which was computed as follows:-

(i)	Name of the deceased	Gurjit Kaur
(ii)	Age of the deceased	62 years
(iii)	Vocation	Housewife

(iv)	Notional income of the deceased	Rs. 3000/- p.m.
(v)	Multiplier applied 5	Rs. 3000X12X5 = Rs. 180000/-
(vi)	Loss of estate	Rs. 5000/-
(vii)	Funeral expenses	Rs. 5000/-
	Total	Rs. 1,90,000/-

4. Learned counsel for the appellants has argued that the tribunal has taken income of the deceased, who was a housewife, as Rs. 3,000/- per month while the minimum wages for unskilled worker was around Rs. 4,000/- per month in September, 2011. As the petition was filed under Section [163A](#) of the Act, the tribunal could assess annual income of the deceased as Rs. 40,000/-. As per the law settled by Hon'ble Apex Court in case of **Sarla Verma and others v. Delhi Transport Corporation and Anr. (2009)6 SCC 121**, the multiplier applicable is 7 but the tribunal while calculating the amount of compensation, applied the multiplier of 5.

5. Learned counsel for respondent No.3-insurance company has argued that petition was filed under Section [163A](#) of the Act and as per Second Schedule appended with the Act, the multiplier for the age group of 60 to 65 is 5, as such, the tribunal has rightly applied the multiplier of 5 while computing the amount of compensation. The deceased was a housewife and her monthly income has been rightly assessed by the tribunal as Rs. 3000/- per month.

6. A housewife has all the skills to look-after the children, manage the household jobs and family affairs. I agree with the submission of learned counsel for the appellants-claimants that the income of a housewife cannot be less than the minimum wages prescribed for a skilled worker. In this case, petition has been filed under Section [163A](#) of the Act, as such, the annual income of the deceased is to be capped at Rs. 40,000/-, as the minimum wages prescribed for the skilled worker as on 01.07.2011 was more than Rs. 4,700/-.

7. As per the law settled by Hon'ble Apex Court in case of **Sarla Verma and others v. Delhi Transport Corporation and Anr.** (supra), the multiplier of 7 is applicable for the deceased in a motor vehicle accident in the age group of 61 to 65 years. Though the Second Schedule under Section [163A](#) of the Act prescribes the multiplier of 5 but the similar multiplier is also prescribed for the victims of age above 65 years. Keeping in view this fact, I am of the opinion that the multiplier as settled by Hon'ble Apex Court in the above cited case, should be applied while computing the amount of compensation.

8. As a sequel of my above discussion, the compensation to which the claimants are entitled, is reassessed as follows:-

Sl.No.	Heads	Calculation
(i)	Income of the deceased	Rs. 40000 per annum
(ii)	Compensation after multiplier of 7 is applied	(Rs. 40000X7)= Rs. 280000/-
(iii)	Loss of consortium	Rs. 5000

(vi)	Loss of estate	Rs. 2500
(vii)	Funeral expenses	Rs. 2000
	Total	Rs. 2,89,500/-

9. The appeal has merits and is accepted. The award of the tribunal is modified and the compensation allowed to the appellants claimants is enhanced from Rs. 1,90,000/- to Rs. 2,89,500/- for death of Gurjit Kaur. Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation shall be apportioned between the claimants in equal shares.

10. Respondent-insurance company will deposit the shares of appellants-claimants in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal.