



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

FAO-4483-2004(O&M)
Reserved on: 26.05.2026
Pronounced on: 10.07.2026
Uploaded on: 10.07.2026

Bala

.....Appellant

Versus

Jitender Singh and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL*

Present: Mr. Shilak Ram Hooda, Advocate,
for the appellant.

Mr. Shivek Thakur, Advocate
for respondent No.1

Mr. Vipul Sharma, Advocate, for
Mr. Paul S. Saini, Advocate
for the respondent No.3 (Insurance Company)

Amarinder Singh Grewal, J.

1. The present appeal has been filed by the appellant–claimant seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Sonipat (hereinafter “*the Tribunal*”), vide award dated 20.03.2004, whereby a sum of ₹1,40,000/- was granted on account of injuries sustained by her in a Motor Vehicle Accident dated 24.03.2002 due to rash and negligent driving of respondent No.1.

2. Succinctly, the facts of the case are that on 24.03.2002, the claimant was proceeding to throw dung from her house to a nearby plot when, upon reaching the street near the house of Ram Niwas, respondent



No. 1, while driving car bearing registration No. DL-8CE-3600 (hereinafter referred to as offending vehicle) in a rash and negligent manner, hit her directly, causing the vehicle to run over the lower part of her body, including the pelvic region. Thereafter, respondent No. 1 fled from the spot. The claimant was initially taken to her house by Mange, son of Godhu, and Sante, wife of Banwari, and was subsequently shifted by her husband, Prem, son of Jage, to the Civil Hospital, Gohana, where she was medico-legally examined and admitted for treatment. She sustained grievous injuries to her pelvic region, hips, right leg, ankle, and lumbar region. It was pleaded that the accident occurred solely due to the rash and negligent driving of respondent No.1. The learned Tribunal, vide award dated 20.03.2004, granted a total compensation of ₹1,40,000/-. Claimant, being dissatisfied with the quantum so awarded, had preferred the present appeal seeking enhancement.

3. Learned counsel for the appellant contended that the impugned Award dated 20.03.2004 passed by the learned Tribunal, is contrary to the facts and law and that the compensation awarded is grossly inadequate, being wholly disproportionate to the injuries and losses suffered by the appellant. Further, it was submitted that the learned Tribunal erred in assessing the appellant as a housewife and failed to consider that she was earning approximately ₹5,000/- per month from tailoring, dairy farming and agricultural work. Furthermore, it was argued that the amounts awarded towards medical expenses, special diet, attendant charges, transportation, and pain and suffering were wholly inadequate in view of the prolonged



treatment, hospitalization and expenses actually incurred by the appellant. Subsequently, learned counsel contended that the Tribunal failed to grant just compensation for the appellant's 50% permanent disability, deformity, shortening of the right leg, loss of earning capacity and expenses incurred on surgical treatment. Moreover, it was submitted that no compensation was awarded towards loss of income during the period the appellant remained unable to work due to the injuries sustained in the accident. Lastly, it was contended that the interest awarded at the rate of 9% per annum was on the lower side and deserved to be enhanced, and accordingly, the impugned Award was liable to be modified by suitably enhancing the compensation under the various heads.

4. *Per contra*, learned counsel for respondent No.1 as well as learned counsel for respondent No.3-insurance company submitted that the award passed by the learned Tribunal does not suffer from any irregularity or infirmity, and that the findings recorded therein are well-reasoned on the basis of the material available before the learned Tribunal. It is accordingly contended that no ground is made out for interference in appeal.

5. I have heard learned counsel for the parties and examined the limited record, with their able assistance.

6. From the evidence led on record, it stands that the claimant sustained grievous injuries in the motor vehicular accident dated 24.03.2002, which occurred due to the rash and negligent driving of respondent No.1. PW-2, Dr. W.R. Singhal, Medical Superintendent, proved the disability certificate (Ex. P-4) and deposed that the claimant had



deformity of the right foot and right leg, wasting of the right leg muscles, shortening of the right leg by one inch, and had suffered 50% permanent disability. PW-3, Dr. D.K. Chahal, who medico-legally examined the claimant, proved the carbon copy of the medico-legal report (Ex. P-5) and the X-ray report (Ex. P-6), establishing that the claimant had sustained eight injuries. PW-4, Dr. Ishwar Singh, proved the X-ray examination and deposed that the claimant had suffered a fracture of the pubic bone. The evidence further shows that the claimant underwent surgery, remained under treatment for a considerable period, and had to consult various hospitals and doctors. The nature of the injuries and the permanent disability have resulted in restriction of movement, causing prolonged pain, physical discomfort and loss of amenities. Although the claimant did not produce documentary proof of every expenditure incurred during treatment, the evidence on record indicates that expenses were incurred towards medical treatment, medicines, transportation, special diet and attendant charges.

7. While examining the question regarding the income of the claimant, it is noticed that the learned Tribunal has assessed the income primarily on the ground that she is a housewife and there was no documentary evidence on record to establish that she was earning by tailoring and dairy farming. However, such an assessment appears to be wholly unrealistic and contrary to the settled principles governing determination of compensation in motor vehicular accident cases involving the homemaker. It is now well settled that the contribution made by a



housewife towards the family cannot be treated as having negligible or no pecuniary value.

8. A Coordinate Bench of this Court in FAO-4806-2017, Shilpa Jain (since deceased) through LRs. vs. Inderjeet Jain and others, decided on 15.01.2026, while dealing with the assessment of income of a homemaker, observed as under:-

'This Court in FAO-1292-2006, titled as 'Jasbir Singh and another Vs. Surjit Singh and others', decided on 22.03.2018 while assessing the notional income of the housewife has held as under:-

"In FAO No. 218 of 2014, a co-ordinate Bench of this Court, while relying upon the principles laid down in LataWadhwa and others v. State of Bihar and others 2001(4) RCR(Civil) 673), made the following observations:-

"Learned counsel for the appellant has argued that even while noticing that the income of a skilled worker in 2012 was approximately Rs.8000/- the Tribunal has wrongly assessed the income of the deceased as Rs.9000/-. As per him once the notional income had been taken a deduction had to be made for personal expenses. This argument is flawed. In LataWadhwa and others v. State of Bihar and others reported as 2001(4) RCR (Civil) 673 (where the accident had taken place in 1981) the Hon'ble Supreme Court evaluated the contribution of a house wife at Rs.3000/-per month. The accident in the present case took place after 23 years. In my considered opinion to tag a house wife as a 'skilled worker' alone does not do complete justice to her multifarious role as a home manager. Keeping in view the lapse of 23 years between the accident in the case of LataWadhwa and the present accident and my conclusion that a house wife is something more than a mere skilled worker it would not be unreasonable to estimate the contribution of the deceased in the present case at a higher figure. On the whole I see no reason for reducing the quantum."



7.I find sufficient reason to follow the judgment in FAO No. 218 of 2014, particularly as I am informed that the Special Leave Petition (SLP) filed against the order in this case has been dismissed by the Hon'ble Supreme Court. Similarly, the SLP filed in the other case cited by the appellants has also met the same fate. Consequently, these orders have attained finality, leaving no scope for further dispute regarding their binding nature.

8. It is imperative to acknowledge the multifaceted role of a housewife as a homemaker. Her contributions extend beyond measurable economic parameters, encompassing household management, child care, emotional support, and the upkeep of familial stability. These services, though often unrecognized in monetary terms, are invaluable to the functioning and wellbeing of a household. In assessing compensation, the court must factor in this indispensable contribution, which would otherwise necessitate considerable expenditure if outsourced. In view of the above, it is just and reasonable to determine the monthly income of the deceased Charanjit Kaur, housewife at Rs.9,000/- per month, therefore, the award requires interference by the Court.”

9. It was held by this court that the role of a housewife extends far beyond measurable economic parameters and include household management, child care, emotional support and maintenance of familial stability. This Court has further observed that such services, though not always reflected in monetary terms, are indispensable to the functioning and well-being of a household and therefore deserve due recognition while assessing compensation.



10. The aforesaid principle also stands reaffirmed by the Hon'ble Supreme Court *in Arvind Kumar Pandey v. Girish Pandey in SLP(C)No.20918 of 2022*, decided on 16.02.2024, wherein it has been held that even if the deceased was not formally employed, the services rendered by a homemaker cannot be ignored and her income, in no circumstances, can be assessed below the wages admissible to a daily wage worker under the Minimum Wages Act. Though rendered in the context of a fatal accident claim, the underlying principle regarding valuation of services rendered by a homemaker applies with equal force while assessing earning capacity in an injury claim.

11. In the present case, the accident occurred in the year 2002. It is a matter of common knowledge, of which judicial notice can be taken, that during the early 2000s the wages payable to a skilled worker in the State of Haryana was ₹2,310/- per month. Further, in view of the law laid down by the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi (2017) 16 SCC 680*, an addition of 40%(₹924/-) towards future prospects is warranted, thereby taking the monthly income to ₹3234/- and annual income to ₹38,808/-. The disability has been assessed at 50%. Applying the multiplier of 15 as per *Sarla Verma v. Delhi Transport Corporation 2009 (6) SCC 121*, the loss of future earning capacity is assessed at ₹2,91,060/- ($₹38,808 \times 50\% \times 15$). The amount of ₹40,000/- awarded towards medical expenses, special diet, transportation and attendant charges appears to be just and reasonable and, therefore, does not warrant interference.



12. However, the claimant, had suffered fracture and remained immobilized for a considerable period, resulting in pain, trauma and prolonged discomfort. Accordingly, the amount awarded by the learned tribunal towards pain and suffering is enhanced to ₹20,000/-. Furthermore, an amount of ₹20,000/- is awarded towards loss of amenities and enjoyment of life, considering the permanent restriction in movement and the discomfort likely to persist throughout the claimant’s remaining years. Consequently, the total compensation payable to the claimant is re-assessed at ₹3,71,060/-, and the award stands enhanced to the aforesaid extent.

13. The enhanced compensation, i.e. over and above the compensation awarded by the learned Tribunal, shall also carry interest @ 7.5% per annum from the date of filing of the claim petition till its realization, payable by respondent No.3 to the appellant-claimant.

14. Pending application(s), if any, shall also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

July 10th, 2026
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No