

(2009) 08 MAD CK 0024

In the Madras High Court

Case No : C.M.A. (MD) No. 701 and M.P. (MD) No. 1 of 2009

United India Insurance Co. Ltd.

APPELLANT

Vs

M. Paulpandi and Others

RESPONDENT

Date of Decision : 03-08-2009

Acts Referred:

Citation : (2011) ACJ 687

Hon'ble Judges : N. Kirubakaran, J

Bench : Single Bench

Advocate : S. Muthalraj, for the Appellant; S. Sivathilagar, for the Respondent

Final Decision : Dismissed

Judgement

N. Kirubakaran, J.—In this case, the deceased Ellies Mary was hit by an Ambassador car belonging to the Respondent No. 7 which was

driven in a rash and negligent manner. She sustained grievous injuries and died on the way to the hospital. The claim of the Respondent Nos. 1 to 6

was that she was an agricultural coolie and also doing household work earning Rs. 5,000 per month, and claimed a sum of Rs. 10,00,000 (rupees

ten lakh).

2. The Appellant contested the claim petition. However, the Tribunal awarded a sum of Rs. 5,22,000 (rupees five lakh and twenty-two thousand),

fixing the monthly income at Rs. 3,000 per month and the age of the deceased at 27 and adopted multiplier 18.

3. Mr. S. Muthalraj, learned Counsel for the Appellant, contended that the deceased was only a housewife and the amount fixed at Rs. 3,000 was

on the higher side and further contended that there was no documentary evidence to prove her age and hence, sought for variation in the multiplier

adopted by the Tribunal.

4. The learned Counsel for the Appellant relied upon the decision of Andhra Pradesh High Court in Andhra Pradesh State Road Transport

Corporation Vs. Ravi Satyanarayana Reddy and Others, , in which it was held that for the death of a housewife, Rs. 750 per month was fixed.

Relying upon the said judgment, he sought for fixing the monthly income as Rs. 750.

5. On the other hand, Mr. S. Sivathilagar, learned Counsel for Respondent Nos. 1 to 6-claimants, relied upon the decision of the Supreme Court

in the case of Lata Wadhwa and Others Vs. State of Bihar and Others, , wherein for the death of a housewife, Rs. 3,000 per month was fixed. In

para 10 of the said judgment, the Hon''ble Supreme Court observed as follows at p. 1744:

(10) ...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 housewives for managing the entire family, even on a modest estimation, should be Rs. 3,000 per month and Rs.

36,000 per annum...

6. He also relied upon another judgment of Delhi High Court in Mathura Dutt v. D.T.C. (2001) 1 TN MAC 104 (Delhi). In that case, the

compensation was sought for the death of a housewife. After quoting the judgment of the Hon''ble Supreme Court in Lata Wadhwa and Others

Vs. State of Bihar and Others, , learned single Judge of Delhi High Court, observed as follow:

The role of the housewife in running a house is not that of rendering services as a slave. Her contribution to keeping the family together, providing

household services besides her matrimonial duties, cannot be treated lightly. It has got nothing to do with earning capacity of the husband which is

an addition to what is taken care of by the housewife. No matter what the status of the family may be, the contribution of the housewife towards

household must be treated to be at minimum Rs. 3,000 (rupees three thousand) per month for an age group of 34-59 years, as has been laid by

the Hon''ble Supreme Court in Lata Wadhwa v. State of Bihar (supra) case.

7. Immortal Thiruvalluvar also praised the role of wife in one's life and devoted a Chapter called ""omitted in vernacular"". The first couplet reads as

follows:

A true wife she whose virtues match her home

And who lives within her husband's means.

8. When the importance of the housewife has been praised and recognised about more than 2000 years ago, her contribution to the family in many

ways cannot be estimated much less underestimated.

9. In fact, the husband/spouse would be able to do his work without any distraction about the family matters like running family, educating their

children, etc, is due to the devoted life and sacrifice being made by the housewife and that is the reason why the literature in any language and

every culture praises the role of the housewife. No amount of money would be equal to the service rendered by the housewife. Her role is

multifaced and different and distinct as wife, mother, daughter-in-law, grandmother. The love and affection she shows, care she takes and the

services rendered by her with patience, to each and every member of the family cannot be done by anybody except housewife. Housewife is seen

as custodian and preserver of our eternal culture which has been passed on to generation after generation. In view of the judgment in Lata

Wadhwa and Others Vs. State of Bihar and Others, and other judgments of the Hon'ble Supreme Court and also this Court, there is no necessity

to interfere with the amount fixed by the Tribunal. Accordingly, the amount fixed at Rs. 3,000 towards monthly income of the deceased is affirmed.

10. As far as the multiplier is concerned, the Tribunal went by the post-mortem report and the same cannot be interfered with. There was also no

contra evidence to dispute the same. In all other aspects, the award of the Tribunal is confirmed.

11. In the result, the civil miscellaneous appeal is dismissed. However, there will be no order as to costs.