

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.2512 OF 2024  
(Arising out of SLP(C)No.20918 of 2022)

ARVIND KUMAR PANDEY & ORS.

... APPELLANTS

Versus

GIRISH PANDEY & ANR.

... RESPONDENTS

O R D E R

1. Leave granted.

2. Appellant No.1 is the husband, and appellant Nos.2 and 3 are the daughter and son, respectively of the deceased Smt.Sushma Pandey. She was admittedly around 50 years old on 26.06.2006 when she was travelling with the respondents in their car. It seems that the vehicle lost control, skidded off and fell into a ditch at about 3.45 p.m., causing the death of Smt. Sushma Pandey.

3. The appellants filed a Claim Petition under Section 166 of the Motor Vehicles Act, 1988 before the Motor Accident Claims Tribunal (for short, 'the Tribunal') seeking compensation of Rs.16,85,000/-. The Tribunal dismissed the said petition stating that the vehicle in question was not insured and, therefore, the claim did not lie. Aggrieved by the said order, the appellants approached the High Court by way of an appeal. The High Court allowed the appeal and remanded the matter to the Tribunal. The Tribunal awarded a sum of Rs.2,50,000/- only to the appellants as compensation. The appellants went in appeal, but the High Court dismissed the same vide impugned order dated 06.04.2017.

4. We have heard learned counsel for the parties and carefully perused the material placed on record.

5. As regard to the monthly income of the deceased, learned counsel for the respondents vehemently contends that none of the certificates are reliable.

6. We are constrained to observe that the impugned order passed by the High Court is full of factual as well as legal errors. The High Court overlooked the fact that the deceased was about 50 years old and not 55 years old. Similarly, the High Court has committed a patent error in observing that the appellants are not dependent on the deceased. Appellant Nos.2 and 3 were students at the relevant time, and were surely dependent on the parents including their deceased mother. The High Court again misread the facts while observing that the deceased was travelling in the bus, while actually she was traveling in the car.

7. Assuming that the deceased was not employed, it cannot be disputed that she was a homemaker. Her direct and indirect monthly income, in no circumstances, could be less than the wages admissible to a daily wager in the State of Uttarakhand under the Minimum Wages Act.

8. It goes without saying that the role of a homemaker is as important as that of a family member whose income is tangible as a source of livelihood for the family. The activities performed by a home-maker, if counted one by one, there will hardly be any doubt that the contribution of a home-maker is of a high order and invaluable. In fact, it is difficult to assess such a contribution

in monetary terms.

9. Taking into consideration all the attending circumstances, it appears to us that the monthly income of the deceased, at the relevant time, could not be less than Rs.4,000/- p.m. or so. However, instead of calculating the compensation under different heads, and also keeping in mind the fact that the appellants and the respondents are closely related, and the delinquent vehicle was not insured, we deem it appropriate to allow this appeal in part to the extent that the appellants are granted a lump sum compensation of Rs.6,00,000/- (Rupees six lakhs). Since the respondents have already paid the amount of Rs.2,50,000/- to the appellants, the balance amount of Rs.3,50,000/- shall be paid by them within six weeks, failing which they shall be liable to pay interest as awarded by the Tribunal.

10. As a result, the pending interlocutory applications stand disposed of.

.....J.  
(SURYA KANT)

.....J.  
(K.V. VISWANATHAN)

NEW DELHI;  
FEBRUARY 16, 2024.

ITEM NO.26

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).20918/2022

(Arising out of impugned final judgment and order dated 06-04-2017 in AFO No.471/2013 passed by the High Court of Uttarakhand at Nainital)

ARVIND KUMAR PANDEY &amp; ORS.

Petitioner(s)

VERSUS

GIRISH PANDEY &amp; ANR.

Respondent(s)

IA No.261372/2023 - EXEMPTION FROM FILING O.T.

IA No.43504/2020 - EXEMPTION FROM FILING O.T.

Date : 16-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Omprakash Ajitsingh Parihar, AOR  
Mr. Abhijeet Shah, Adv.  
Mr. Dushyant Tiwari, Adv.  
Mr. Arvind Kumar, Adv.

For Respondent(s) Mr. Ashwarya Sinha, AOR  
Mr. Govind Rishi, Adv.  
Ms. Priyanka Sinha, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in part in terms of the signed order.

As a result, the pending interlocutory applications stand disposed of.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(PREETHI T.C.)  
COURT MASTER (NSH)

(Signed order is placed on the file)

