

ITEM NO.1501 Court 2 (Video Conferencing)  
(For judgment)

SECTION XIV

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).18728-18729/2018

(Arising out of impugned final judgment and order dated 17-07-2017 in MACA No.336/2017 and MACA No.375/2017 passed by the High Court of Delhi at New Delhi)

KIRTI & ANR.ETC.

Petitioner(s)

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED

Respondent(s)

([HEARD BY: HON. N.V. RAMANA, HON. S. ABDUL NAZEER AND HON. SURYA KANT, JJ.] )

Date : 05-01-2021 These petitions were called on for judgment today.

For Petitioner(s) Mr. Mritunjay Kumar Sinha, AOR  
Mr. S.N. Parasar, Adv.

For Respondent(s) Mr. K.K. Bhat, Adv.  
Mr. Ranjan Kumar Pandey, AOR

Hon'ble Mr.Justice Surya Kant pronounced the judgment of the Bench comprising Hon'ble Mr.Justice N.V.Ramana, Hon'ble Mr.Justice S. Abdul Nazeer and His Lordship.

Leave granted.

For the reasons stated in the signed reportable judgment, the appeals are allowed in-part. The total motor accident compensation of Rs 22 lakhs awarded by the High Court to the claimant-appellants is increased by Rs 11.20 lakhs to reach a new total of Rs 33.20 lakhs. The enhanced amount of compensation shall be paid within two months along with interest @ 9% p.a. from the date of filing of the Detailed Accident Report i.e. 23.05.2014, and shall be apportioned per the terms laid down by the Tribunal.

Hon'ble Mr.Justice N.V.Ramana pronounced the concurring but a separate judgment and held that certain general observations

can be made regarding the issue of calculation of notional income for homemakers and the grant of future prospects with respect to them, for the purposes of grant of compensation which can be summarized as follows:

a. Grant of compensation, on a pecuniary basis, with respect to a homemaker, is a settled proposition of law.

b. Taking into account the gendered nature of housework, with an overwhelming percentage of women being engaged in the same as compared to men, the fixing of notional income of a homemaker attains special significance. It becomes a recognition of the work, labour and sacrifices of homemakers and a reflection of changing attitudes. It is also in furtherance of our nation's international law obligations and our constitutional vision of social equality and ensuring dignity to all.

c. Various methods can be employed by the Court to fix the notional income of a homemaker, depending on the facts and circumstances of the case.

d. The Court should ensure while choosing the method, and fixing the notional income, that the same is just in the facts and circumstances of the particular case, neither assessing the compensation too conservatively, nor too liberally.

e. The granting of future prospects, on the notional income calculated in such cases, is a component of just compensation.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(RAJ RANI NEGI)  
DEPUTY REGISTRAR

(Two signed reportable judgments are placed on the file)