

ARVIND KUMAR PANDEY v. GIRISH PANDEY

145

(2025) 2 Supreme Court Cases 145

(BEFORE SURYA KANT AND K.V. VISWANATHAN, JJ.)

a ARVIND KUMAR PANDEY AND OTHERS . . . Appellants;

Versus

GIRISH PANDEY AND ANOTHER . . . Respondents.

Civil Appeal No. 2512 of 2024[†], decided on February 16, 2024

b **Motor Vehicles Act, 1988 — S. 168 — Compensation — Determination — Death of homemaker in a car accident — Principles re-clarified**

— Though it is difficult to assess a contribution made by homemaker in monetary terms, such contribution is of a high order and invaluable — Role of a homemaker is as important as that of a family member who brings in money for family — Her direct and indirect monthly income, in no circumstances, could be less than wages admissible to a daily wager in a State under the Minimum Wages Act applicable to that State — Taking into consideration all attending circumstances, monthly income of deceased, at relevant time, could not be less than Rs 4000 p.m. or so — However, instead of calculating compensation under different heads, and also keeping in mind fact that appellants and respondents are closely related, and delinquent vehicle was not insured, appellants was granted a lump sum compensation of Rs 6,00,000 (Paras 5 to 8)

Arvind Kumar Pandey v. Girish Pandey, 2017 SCC OnLine Utt 1991, *modified*

Appeal partly allowed

RM-D/71438/CVR

Advocates who appeared in this case :

Omprakash Ajitsingh Parihar (Advocate-on-Record), Abhijeet Shah, Dushyant Tiwari and Arvind Kumar, Advocates, for the Appellants;

e Ashwarya Sinha (Advocate-on-Record), Govind Rishi and Ms Priyanka Sinha, Advocates, for the Respondents.

Chronological list of cases cited

on page(s)

1. 2017 SCC OnLine Utt 1991, *Arvind Kumar Pandey v. Girish Pandey*

146a, 146a-b, 146b

ORDER

f **1. Leave granted.** Appellant 1 is the husband, and Appellants 2 and 3 are the daughter and son, respectively, of the deceased Smt Sushma Pandey. She was admittedly around 50 years old on 26-6-2006 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.

g **2. 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**

h [†] Arising out of SLP (C) No. 20918 of 2022. Arising from the Judgment and Order in *Arvind Kumar Pandey v. Girish Pandey*, 2017 SCC OnLine Utt 1991 (Uttarakhand High Court, Appeal from Order No. 471 of 2013, dt. 6-4-2017) [Modified]

approached the High Court by way of an appeal. The High Court allowed¹ 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 6-4-2017¹. a

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

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

5. We are constrained to observe that the impugned order¹ 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. Appellants 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 travelling in the car. c

6. 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 wageer in the State of Uttarakhand under the Minimum Wages Act. d

7. 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 homemaker, if counted one by one, there will hardly be any doubt that the contribution of a homemaker is of a high order and invaluable. In fact, it is difficult to assess such a contribution in monetary terms. e

8. 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 4000 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. f g

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

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1 Arvind Kumar Pandey v. Girish Pandey, 2017 SCC OnLine Utt 1991