

Shishu Pal @ Shish Ram & Ors. Vs. Surjeet & Ors.

Civil Appeal No. _____ of 2026 @ SLP (Civil) No. 33915 of 2025 · Supreme Court of India · 2026-06-11 · Sanjay Karol · Nongmeikapam Kotiswar Singh · F2J-C-1008

Full judgment text

Shishu Pal @ Shish Ram & Ors. Vs. Surjeet & Ors.

[Civil Appeal No. _____ of 2026 @ SLP (Civil) No. 33915 of 2025]

Sanjay Karol J.,

For felicity of reference, this judgment is divided into the following parts: Index

1. Leave granted.

THE APPEAL

2. This appeal primarily presents two vexing issues. The claimant's struggle for compensation is two-and-a-half decades old. In other words, delay is front and centre in this case. The other issue presented is the monetisation of a homemaker's efforts since the deceased (wife of the claimant) was a homemaker. We may only ask ourselves when in Indian society, the 'woman of the house' is called the 'grihaswamini', then why n are we still groping in the dark about the questions such as the one present in this case.

3. The fact of the accident having taken place on 25th November 2001 while the deceased was on her way to Fatehabad, from Sirsa due to the rash and negligent driving of respondent no.1, is not in dispute. The Tribunal¹ allowed Claim Petition No.126/MACT of 2001, preferred by her legal heirs by order dated 18th December 2003 and awarded Rs.2,42,000/- only. The claimants approached the High Court² seeking enhancement thereof.

A learned Single Judge allowing FAO-1627-2004 vide order dated 11th December 2024 enhanced the said compensation to Rs. 8,43,400/- along with 7.5% interest from the date of filing of the claim petition. It was further clarified that should the said payment be not made within three months, the rate of interest would stand enhanced to 9% per annum and further if the amount is not paid within six months, enhancement shall be with interest @ 12% per annum.

4. Still dissatisfied, the claimants are before us. At the outset we may observe that the increasing scales of rate of interest awarded by the High Court seems to be a recognition of the peculiar facts and circumstances in which this case remained on the file of the High Court for twenty years. While issuing notice it is this number that caught our attention and as such, we called for the records of the Courts below.

THE ASPECT OF DELAY

In the Present facts

5. It appears from the perusal of records of the High Court that the file of this case amongst thousands of others was either partially burnt or completely destroyed in a fire that occurred in 2011. There was also an earlier incident in the year 1996 but since that is from a time prior to the present case, we need not consider that. The issue of reconstruction of files repeatedly engaged the attention of the learned judges of that Court on the administrative side. Various directions were issued from time to time.

The latest direction dated 21st February 2024 records that despite various efforts having been made, approximately 2200 cases, of which no record whatsoever could be traced out , were ordered to be removed from the list of pending reconstruction cases and directed to be placed in a separate file awaiting the possibility of any intervention on the part of the counsel for the parties. Such of those cases in which some record or other, could be found, were directed to be listed before the concerned benches. Perhaps the present case was one in the latter category for it came to be decided shortly after these orders and the file does not reflect any steps having been taken by the counsel for the claimants.

6. The appeal was filed before the High Court was filed in 2004. The unfortunate fire incident happened in 2011. The case came to be decided at the fag-end of 2024. Naturally, two questions arise, one why was the case arising out of a beneficial legislation remained pending in 2011 when it was filed in 2004? Two, still further, between 2011 and 2024 is a period of 14 years - does the reconstruction of a file or number of files, takes 14 years?

7. The unfortunate circumstances aside, the Court must be aware of the fact that such large amounts of delay reflect purely on an institution which is otherwise tasked with the responsibility to adjudicate the rights of the parties. Although it is never possible to fully compensate for the loss of a person who has been an integral part of a person's family, the idea of 'just and fair' compensation requires that an amount of money be paid to the claimants that would, as far as possible, place them in a position as if the unfortunate incident of the death of their loved one had not taken place. For whatever reason, when this takes twenty years, the suffering is only compounded further.

In General - the inordinate delay

8. At this stage we may observe that long delay, while may be somewhat justified in this case, we have found, is a regular feature in motor accidents claim cases. True it is that, delay does not fit into mathematical calculation which would tell us that, pendency of a particular case beyond a certain point becomes questionable but for the purpose of general understanding, it may be so considered across the board that, such a case arising out of either an injury or death, both being entirely, a difficult set of circumstances, and from a beneficially oriented legislation, should not be pending at the level of the High Court for a period greater than four years. Here itself we may add that even this number can be justified only for those High Courts that endure high pendency or a large number of vacancies.

9. A Bench presided over by one of us (Sanjay Karol J.) sitting in different combination, has had the opportunity to adjudicate over a hundred appeals in this area. Following is a tabular representation of the appeals referred to above along with the time taken by the Courts at all the three levels to decide the matter:

State of Uttar Pradesh

State of Andhra Pradesh

State of Maharashtra

State of West Bengal

State of Chhattisgarh

Union Territory of Delhi

State of Gujarat

State of Assam

State of Jharkhand

State of Karnataka

State of Kerala

State of Madhya Pradesh

State of Madras

State of Orissa

State of Punjab and Haryana

State of Rajasthan

State of Telangana

We may record that overall, an unhappy picture emerges. In almost 50% of the matters, pendency was over four years. It is not even for a moment our consideration that the Courts are solely responsible for such delay; but we are of the view that the Courts must remain vigilant with regard to the pendency of such cases. Adjournments should only be granted for genuine reasons.

What those genuine reasons may be, we cannot list out, but one of the foremost considerations that must be the force of expediency in such matters is the incidence of interest that may befall the insurance company/owner/driver. Quite often it may so happen that the interest when computed is equal to a substantial percentage of the award itself which in itself is an indication that an institution-wide remedy is called for in such matters.

THE HOME-MAKER: A NATION BUILDER & AN ECONOMIC ENTITY

10. In our view, it is ironic to describe a homemaker as dependant on earning members, when, in reality the household's functioning depends substantially on the homemaker. The earning members are in fact solely dependent on the homemaker but alas, this reality does not receive the acknowledgment it deserves. Efforts have been made across fields to some success but yet undeniably the road is still long. We notice that as far back as 1920, a hundred-and-four-years ago, the noted economist Sir Cecil Pigou, in his work *The Economics of Welfare* observed:-

"the services rendered by women enter into the dividend when they are rendered in exchange for wages, whether in the factory or in the home, but do not enter into it when they are rendered by mothers and wives gratuitously to their own families. Thus, if a man marries his housekeeper or his cook, the national dividend is diminished."

11. This idea has since engaged the attention of economists and sociologists, consistently. Viewed from the lens of both fields, its undervalued nature, is a common strand, whether it be tasks that are considered 'everyday' such as cooking, cleaning and other similar activities that undoubtedly support the paid workforce by enabling economic productivity, yet they are in themselves not recognised as productive activities for the purposes of measures such as GDP. To put the enormity of what is missed out by these conventional methods, it may be noted that every day, around sixteen billion hours individual are devoted to unpaid domestic work and care.³ The General Recommendation No.17 issued in the Tenth Session in 1991 of the Committee on the Elimination of Discrimination against Women deserves recall here:

"Affirming that the measurement and quantification of the unremunerated domestic activities of women, which contribute to development in each country, will help to reveal the de facto economic role of women, Convinced that such measurement and quantification offers a basis for the formulation of further policies related to the advancement of women, Noting the discussions of the Statistical Commission, at its twenty-fifth session, on the current revision of the System of National Accounts on the development of statistics on women, Recommends that States parties:

- (a) Encourage and support research and experimental studies to measure and value the unremunerated domestic activities of women; for example, by conducting time-use surveys as part of their national household survey programmes and by collecting statistics disaggregated by gender on time spent on activities both in the household and on the labour market;
- (b) Take steps, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Nairobi Forward-looking Strategies for the Advancement of Women, to quantify and include the unremunerated domestic activities of women in the gross national product;
- (c) Include in their reports submitted under article 18 of the Convention information on the research and experimental studies undertaken to measure and value unremunerated domestic activities, as well as on the progress made in the incorporation of the unremunerated domestic activities of women in national accounts."

Another computation, specifically in the Indian context, is the Time Use Survey conducted in 2019 which highlights the extent of unpaid domestic and caregiving work, particularly undertaken by women. Women aged between 15- 59 years spend over seven hours daily on unpaid domestic tasks, compared to less than three hours by men. On an average, women perform 2.6 times more unpaid caregiving/domestic work, even when they are otherwise contributing economically.

This one-sided scenario is probably one of the reasons why the country has low female labour force participation at 31.7%, since the societal framework generally presumes such responsibilities to be automatically falling upon women. Women's unpaid caregiving work is estimated to contribute 15 - 17% of India's GDP, yet it remains unpaid and unrecognised⁴. Efforts have been made to address this gap by methods such as the replacement cost approach which, as the name suggests, pertains to

calculating economic impact of hiring help to undertake those activities, or through the opportunity cost approach which considers the income foregone by a homemaker by not participating in the labour market.

The undervaluing in economic terms emanates from an abiding sense of fidelity to stereotypical gender roles. The attempt to ascribe value for therefore is not simpliciter an attempt to assign monetary worth therefore making the endless efforts of a homemaker more recognizable and calculable but also it is challenging and redefining what is understood as valuable.

12. It must also be observed that this economic shift of valuing a homemaker's efforts is not limited only to monetary aspects. There has been a shift in sensibilities - a married woman who takes care of the house is no longer called a housewife and has now been elevated to the deserved status of homemaker in recognition of the multitudes of facets that her presence in the home covers. The term 'housewife' has been present for centuries with its earliest use being recorded in the year 1225⁵ whereas the word 'homemaker' is relatively newer, being traced back to somewhere in the 1860s⁶.

It may be true that Judiciary has made a conscious effort to shift its use to the latter term but in common use the stereotypical earlier term still continues with a ratio of 4:1. Although this shift in terminology has been seen in earlier judgments, we would like to note that this Court in its recent handbook on combating gender stereotypes⁷ stated that the use of the term 'housewife' would be incorrect and instead the word 'homemaker' should be used. In the same book, it has also been noted as follows:

Stereotype

Reality

13. Apart from the fact that contribution of women to the society extends far beyond biological reproduction, they are also largely responsible for the preparation of human capital on which the dreams of being the world's largest economy among other things rest. It is often said that a mother is the first teacher that a child has. This teaching however is not like a school or a college, that has a definite end date and instead continues for the entire lives of both the mother and the child. Whatsoever positive act is undertaken by the child such as learning a skill, a language, a trade or a profession, is informed by the training that is given on the daily, by the mother.

Similarly, and most significantly, human relations which are the cornerstone of society, are perceived and understood first and foremost through the ways exemplified by conduct of the mother. The everyday nudging and signalling towards proper behaviour etiquette, later forms the path which the said child would then emulate for their future generations. It is, therefore, a successive chain built intercommunity and intergenerationally, of trust, cooperation and transmission of cultural memory, norms, which take the form of social bonds that sustain an individual either as familial relations or friendships and to an extent even professional networks.

The understanding of acceptable and unacceptable behaviour whether it is within the home or outside it, is also communicated by the person who is in the home at all times. Those who step out for livelihood and return only at the end of the day, for obvious reasons have limited interaction and so their role in the constant shaping of the individual, may somewhat be limited. On the emotional and psychological plane, the inherent ability of a homemaker to juggle multiple aspects whether it is meals, properly ironed clothes, stocking up supplies, caring for the elderly in the house, ensuring that the children stay on top of their schoolwork and so many more things that enabled, to use a somewhat stereotypical expression, the 'men of the house', to have their undivided focus on earning a good living.

They provide a sense of insulation from the pressures of the outside world, a bubble in which everything is taken care of and all that is needed for the people therein, is to relax and rejuvenate preparing themselves for what the next day might bring. In the majority of households, this is taken to be 'normal' but the truth is that those who do not have this luxury, truly understand what is missing in their lives. The family members in households where the homemaker is absent be it for whatever reason, are often required to come together and each individual therein will do a part of the work that would otherwise fall to the absent individual who would, in fact do it with a smile on their face.

True it is that the reality/realities contemplated thus far are both of urban and rural application. But it is the case at least in certain areas that the women in rural areas endure additional difficulties/labour-

walking kilometres for pails/matkas of water, transporting mounds of hay atop their backs on a daily basis or being an additional hand in their fields alongside their husbands other than doing all of the household work in furtherance of smooth functioning of their households. All of these aspects be it economic, emotional or psychological have a direct correlation to creating a healthy society and in turn towards national development and are areas of intense study in the subjects of public health and social policy.

In the preceding paragraphs, we have attempted to give a world eye's view of the multifarious roles that are performed by a lady - a homemaker and yet why is it that they are generally perceived through a singular outlook? To put it directly and yet indirectly, a homemaker is like the potter and a home itself is a lump of clay. All shapes, sizes and designs are a result of the exact right mix of the mud with the water and the gentle caress of the hand to shape the clay into something that is wholesome, attractive and useful.

These are the people responsible for laying the foundation stones on which the edifices of the high flying business persons, successful politicians, headlining artists, sought after lawyers etc., on the one hand and on the other, the silent support behind the daily grind of an everyday worker who steps out of home in the hopes of making a decent living for the day in other words, they have a role either entirely invisible or just partially visible in the work of all those persons who are recognised to be contributing to the nation. It is high time now that the invisible is made visible or the veil is pierced to make what can be partially seen come out in the open.

The "homemakers", to put it directly, actually are the "nation builders" and they ought to be recognised as such. In the end, we must place two caveats. The discussion above has been made to highlight what has thus far remained unhighlighted. We are aware though that this reality is not everyone's reality. In certain homes, the homemaker has no option but to be other things alongside being the homemaker i.e., the breadwinner as well. In this scenario, all the above facets, are in some way, shape or form present and may place an equally strenuous demand on her time but nonetheless are performed with equal ease and understanding.

It may be a matter of deep seeded gender stereotypes that when we think of the word 'homemaker' the picture that emerges is that of a woman. This however may not be appropriate in all cases. As a result on one circumstance or another, sometimes unfortunate sometimes not, a man may too need to don the role of a homemaker. It is not to take away from the efforts of these men who also deserve recognition and acknowledgment, but for the purposes of the present case and more particularly the quantification of domestic efforts, we limit its application to the quintessential and traditional image, that of a woman.

Judicial Pronouncements

14. In light of the contextual background as above, we now refer to the instances where judicial notice has been taken, of the efforts of the homemaker although referred to as housewife and attempts have been made to provide a pecuniary basis therefor:

14.1 In *Lata Wadhwa v. State of Bihar*⁸, a Bench of three Judges dealt with the determination of compensation for the death of a housewife in a fire that erupted in the premises of a TISCO factory under Article 32 of the Constitution of India. It approved the multiplier method for determination of compensation as applied by Mr. Justice Y.V. Chandrachud, former Chief Justice of India who was the arbitrator in the matter. For the deceased housewives who were generally taken to be within the age group 34 to 59, Rs.3000/- per month was determined to be adequate.

14.2 In *Arun Kumar Agrawal v. National Insurance Co. Ltd.*⁹, the Court was concerned with the compensation to be awarded to the aggrieved husband of one Mrs. Renu Agarwal who died as a result of the car being driven by the appellant therein being hit by a truck, resulting in the former's death. It was observed:

"26. In India the courts have recognised that the contribution made by the wife to the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others. A wife/mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours.

She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc., but she can never be a substitute for a wife/mother who renders selfless service to her husband and children.

27. It is not possible to quantify any amount in lieu of the services rendered by the wife/mother to the family i.e. the husband and children. However, for the purpose of award of compensation to the dependants, some pecuniary estimate has to be made of the services of the housewife/mother. In that context, the term "services" is required to be given a broad meaning and must be construed by taking into account the loss of personal care and attention given by the deceased to her children as a mother and to her husband as a wife. They are entitled to adequate compensation in lieu of the loss of gratuitous services rendered by the deceased. The amount payable to the dependants cannot be diminished on the ground that some close relation like a grandmother may volunteer to render some of the services to the family which the deceased was giving earlier."

Further, in para 35 it was observed:

35. In our view, it is highly unfair, unjust and inappropriate to compute the compensation payable to the dependants of a deceased wife/mother, who does not have a regular income, by comparing her services with that of a housekeeper or a servant or an employee, who works for a fixed period. The gratuitous services rendered by the wife/mother to the husband and children cannot be equated with the services of an employee and no evidence or data can possibly be produced for estimating the value of such services. It is virtually impossible to measure in terms of money the loss of personal care and attention suffered by the husband and children on the demise of the housewife. In its wisdom, the legislature had, as early as in 1994, fixed the notional income of a non-earning person at Rs. 15,000 per annum and in case of a spouse, 1/3rd income of the earning/surviving spouse for the purpose of computing the compensation.

14.3 In *Rajendra Singh v. National Insurance Co. Ltd.*¹⁰, the Court took the notional income of the deceased housewife aged 30 years at the time of the accident in December 2012 following *Arun Kumar Agrawal* (supra).

14.4 In *Kirti v. Oriental Insurance Co. Ltd.*¹¹, N.V.Ramana, J. (as he then was) while dealing with a case of two deceased parents (the father was earning and mother was homemaker), in a claim filed by minor daughters observed as follows with regard to the time taking and painstaking efforts of a homemaker - in essence, in transforming the four walls of a house to a lively and fulfilling home:

"23. In fact, the recently released Report of the National Statistical Office of the Ministry of Statistics & Programme Implementation, Government of India called "Time Use in India-2019", which is the first Time Use Survey in the country and collates information from 1,38,799 households for the period January 2019 to December 2019, reflects the same gender disparity. [National Statistical Office, Time Use in India, 2019 (September 2020).]

The key findings of the survey suggest that, on an average, women spend nearly 299 minutes a day on unpaid domestic services for household members versus 97 minutes spent by men on average. [Id, at p. 56.] Similarly, in a day, women on average spend 134 minutes on unpaid caregiving services for household members as compared to the 76 minutes spent by men on average. [Id, at p. 54.] The total time spent on these activities per day makes the picture in India even more clear-women on average spent 16.9% and 2.6% of their day on unpaid domestic services and unpaid caregiving services for household members respectively, while men spent 1.7% and 0.8%. [Id, at p. x.]

Quantifying The Contribution-of a Nation Builder

15. In usual circumstances this Court would not have ventured further than taking note of the fact that the incident and judgment in *Lata Wadhwa* (supra) was contemporaneous to the unfortunate accident in this case and as such compensation could be calculated using the Rs.3000/- per month metric applied therein however, in our considered view that would not be justified.

It has to be observed that to measure the contributions of a homemaker and mother as in this case in strictly monetary terms is a task of considerable difficulty for each and every aspect of the day, month and year of such a homemaker's family members is informed, shaped by her sometimes acknowledged, but most often unacknowledged or taken for granted, efforts. If compensation is to be

calculated in the present day while accounting for the egregious delay, to do so in terms that were frozen on the day of the death of the deceased would be grossly undervaluing the silent strength of homemakers.

16. That being said, even when it comes to computation for damages under non-pecuniary heads, the loss still does require the recognition of such heads before compensation can be awarded. The first of them being the loss of the homemaker's dexterous ability to manage all the chores of the household. Granted, that in the increasingly modern urban centres of the country it may not be the case that a homemaker stands in front of the gas stove bright and early in the morning or late at night or even that she walks around, slouched, running the broom throughout the house, but, the fact of the matter is that in smaller cities, towns and villages, even today, such tasks assumedly and invariably fall on the homemaker, without as much as a second thought.

The second head pertains to the children of the house. They have lost their mother, the source of never-ending love, comfort and affection, the person who they could run to with all their problems, questions and concerns and heartbreaks. She is also their first point of contact with the ways of the world, silently and subtly teaching them skills of survival, perseverance and excellence shaping them into well rounded human beings capable of being functioning contributors to the economy of the nation. This, in our view, is somewhat different from emotional support or dependence for primary skills necessary for everyday functioning that are imbibed by the children from their mother.

This has a distinctly economic angle while also being partly an emotional aspect perfectly fitting into the non-categorizable roles played by homemaker. How does one calculate this? The third is equally troubling. A husband has, no longer, the support of his life partner, someone he depends on entirely to run smoothly, an entire part of his life, his home, family, children, relatives. Even in conservative settings where patriarchy looms large, the sense of dependency that obtains, if taken away, greatly challenges the man for he is now directionless and suddenly responsible for a lot more than he is used to.

When the efforts of the homemaker towards the husband and children are taken on the whole it cannot be disputed that although her labour be at emotional or physical is within the four walls of the home, its impact is much wider. In enabling the direct contribution today of their husbands and tomorrow of their children, they are the building blocks for the nation's road to holistic progress.[See: Kalukutty v. P.M. John¹², Bhuvaneswari v. Mani¹³] We may also observe that in a recent order of this Court in Arvind Kumar Pandey v. Girish Pandey¹⁴, also made similar observations to the following effect:

"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."

Any computation made as a result of injury suffered or death, should be aware of this larger role and not be myopic in its view. The loss of a homemaker however is not limited to husband and children. It also directly impacts the women's own parents who have been deprived of the love and company of their child, who have lost the support and comfort of this person and are left alone with this boundless grief. Still further, the loss is acutely felt by her in-laws who are more often than not members of the same household and therefore are dependent on the love, labour and dedication of this person, for food for medicines and doctor's visit or for even the regular company over a morning tea. Strict arithmetic calculation does not lend its services to any of these scenarios.

17. It is settled law by virtue of National Insurance Co. Ltd. v. Pranay Sethi¹⁵, that in all cases that have resulted in death, loss of consortium is to be paid to the claimants at the rate of Rs.40,000/- per dependant along with 10% increase on the said amount every three years, so in 2026 the compensation awarded under this head is Rs.48,400/-. This we may note is irrespective of whether the deceased is a male/female/child/retired/working or whatever else.

We are of the considered view, in such situations the computation of compensation upon the death of a homemaker suffers from an inherent disadvantage. The amount awarded under the same is over and above what is calculated on the basis of the earnings/salaries/pension/notional income for certain categories of claimants. In view of the fact that there is no standard income on the basis of which

compensation can be calculated and a figure is taken for the purposes of calculation on guesswork, the true worth of the homemaker is missed out, in as much as it is amenable to calculation in monetary terms.

18. Future prospects when calculated on the basis of the above judgment in *Lata Wadhwa* (supra) would also be calculated on the comparative lower notional income (Rs.3000/-per month) given that, both the fire incident and the accident forming the basis of this appeal are from the year 2001.

19. When such conservative figures are used to build up compensation, the amount arrived at is paltry, and not even close, as much as monetary terms can be, to the loss endured by the claimants. Notional income is intended to approximate the economic value of in the case of homemaker, services rendered by them. However, for whatever reason, judicial notice of this issue is usually overly conservative, without due acknowledgment of the fact that the role of the homemaker is neither entirely economic nor entirely non-economic and blends the factors of economy with emotional and managerial contributions and as such fixed compensation in terms of loss of consortium does not cover the entire gamut of their contribution.

Loss of Domestic Care: An Additional Head

20. It is in these circumstances, that we deem it appropriate to direct that when a Motor Accidents Claim Tribunal or the High Court or this Court is concerned with or a case involving the death of a homemaker, in order to overcome the inherent disadvantage accrued against the homemaker on a calculation of compensation on the basis of conservatively computed notional income and while being acutely aware of the dictum in *Pranay Sethi* (supra) regarding loss of consortium as also the disposition towards uniformity, that for the three major heads (the homemaker's contribution towards smooth functioning of the household, the loss of maternal support for children and loss of spousal support/the support and care of their child who is an adult, for the parents of the deceased) discussed in the foregoing paragraphs, a composite sum of Rs.30,000/- shall be added under the head of 'loss of domestic care', provided that all three of these heads are met in the given case.

This determination shall be revised by 10%, cumulatively, every three years. It may be clearly stated that this amount of Rs.30,000/- i.e., loss of domestic care is to be taken as a 'standin' (basic minimum monthly income) for monthly income in those cases where the homemaker does not have an input into the house, in strictly conventional, monetary terms. In those cases where the homemaker is part of the workforce, the component of loss of domestic care shall be in addition to the monthly income as may be proved before the Tribunal/Courts.

21. The distinction that we are attempting to draw becomes more pronounced and justified when consortium as awarded under *Pranay Sethi* is understood in a context of the two judgments discussed below:

(i) *Rajesh v. Rajbir Singh*¹⁶,

"17. In legal parlance, "consortium" is the right of the spouse to the company, care, help, comfort, guidance, society, solace, affection and sexual relations with his or her mate. That non-pecuniary head of damages has not been properly understood by our courts. The loss of companionship, love, care and protection, etc., the spouse is entitled to get, has to be compensated appropriately. The concept of non-pecuniary damage for loss of consortium is one of the major heads of award of compensation in other parts of the world more particularly in the United States of America, Australia, etc. English courts have also recognised the right of a spouse to get compensation even during the period of temporary disablement.

By loss of consortium, the courts have made an attempt to compensate the loss of spouse's affection, comfort, solace, companionship, society, assistance, protection, care and sexual relations during the future years. Unlike the compensation awarded in other countries and other jurisdictions, since the legal heirs are otherwise adequately compensated for the pecuniary loss, it would not be proper to award a major amount under this head."

(ii) *Magma General Insurance Co. Ltd. v. Nanu Ram*¹⁷,:

"22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions worldwide have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the

death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child."

It is clear from the above extracts that 'consortium' deals almost exclusively with the emotional aspects of loss that have to be endured by the family members of the deceased homemaker while not giving adequate, if any, attention to the contribution of the homemaker within the house from an economic lens. It is as such, in the spirit of the Constitution particularly preambular values that inform our interpretation that we hereby take a step against the systematic undervaluing of the work performed by women.

Application to the present facts

22. Turning back to the facts of this case, the deceased's claimed income of Rs.3000/- per month from knitting and stitching, in the facts and circumstances of this case is a mere statement without any backing. As such, we take this to a case where the homemaker has no income in monetary terms and pursuant to the above discussion, the compensation under the head loss of domestic care stands in as monthly income. Thus, the compensation payable to the claimants is as under:

Compensation Heads

As per law

The award is to be met by the respondent-Insurance Company. The interest rates and conditions as awarded and stipulated by the High Court remain unchanged.

DIRECTIONS

23. Considering the issues that have arisen in this appeal, we issue following directions:

23.1 Although the delay in this case was somewhat explained by circumstances beyond human control, a perusal of the list of cases reproduced in para 9 of this judgment hereto reveals that delay is a repeated occurrence. An analysis of the data gathered in terms of the orders passed in appeal by this Court, reveals that the average pendency in the High Courts is approximately 8 years and before the Tribunals the same is approximately 6 years. Numerous reasons can be ascribed for this situation.

We need not get into specifics, but we may only observe from our own experiences that the pendency before the Tribunals is often attributable to the fact that bare claim petitions are filed without the requisite documents/proof to back up the claim that has been demanded. Naturally, adjournments would be sought before the Tribunals to furnish such documents as such we direct that all those heads such as those illustrated below, when claimed shall be accompanied by proof, inter-alia, as enumerated below in so far as applicable, by the claimants:

I. Age is an absolute essential factor in determination of compensation. Official proof of Date of Birth excluding Aadhar Card, be annexed.

II. In a case of disability, certificate in that regard issued by a competent doctor expressly recording the percentage of disability suffered be attached as also, the opinion of the said doctor regarding functional disability if any.

III. If a particular income is claimed and ITRs/salary slips issued by employer under Stamp and seal/ certificate of salary issued by employer under Stamp and seal are available, they must necessarily be filed.

IV. If compensation is claimed under the head of medical expenses, bills duly attested by the competent authority of the clinic/hospital/nursing homes be attached.

V. If attendant charges are claimed and such a person is already in employment, a notarized affidavit, disclosing salary paid to them, per month, be appended.

23.2 The Motor Vehicles Act, 1988 to state the obvious, is a beneficial legislation aimed at providing just and fair compensation. Both of these salutary values are denuded by long pendency. The table supra presents numerous examples where petitions have remained pending for years on appeal. As such: I. The learned Chief Justices of the High Courts are requested to issue necessary directions to have matters that have remained pending for the longest amount of time, listed according to the date of institution of the appeal, before the appropriate benches.

The average taken for such purposes is any case that has remained pending for more than four years. For clarity, it may be stated that if matter 'a' has been pending for eight and a half years and 'b' has been pending for four years, 'a' will be listed first. II. Having taken stock of the number of cases pending in the respective High Courts, it may be determined by the learned Chief Justices in their wisdom whether number of benches with the MACT compensation roster need to be increased or not.

23.3 Delay in expeditious disposal of cases is not only a feature at the High Court level but also at the Tribunal. It is our hope that, by virtue of the directions issued above to append necessary documents, delay to some extent on account of adjournments for such purposes would be curbed. It is noted that Section 169 of the Act provides the option to the Tribunals to adopt a 'summary procedure as it thinks fit'. True it is that adopting a summary procedure is not a compulsion, it would be in the favour of expediency if reasons are recorded by the Tribunals for not choosing to adopt such procedure. If it is adopted where possible it would go a long way in ensuring that the deserved compensation reaches the claimants as soon as possible. The same be strictly enforced.

23.4 At the cost of repetition, it is stated that in a case of death involving homemaker, compensation in terms of the above discussion, the head of 'loss of domestic care' be added.

23.5 Heads as stipulated by Pranay Sethi (supra) be strictly adhered to including the 10% enhancement every three years, implemented for the heads of loss of consortium, loss of estate and funeral expenses.

23.6 It is our hope that the word housewife/homemaker, is in future, in recognition of the contributions of the lady of the house is now used as "Nation Builder".

24. The appeal is allowed. Let a copy of this judgment be sent to the Registrars General of all the High Courts to be placed before the learned Chief Justices to solicit necessary orders as also to be sent for onward compliance to the Tribunals. Pending application(s) if any shall stand disposed of.

.....J. (Sanjay Karol)

.....J. (Nongmeikapam Kotiswar Singh)

New Delhi;

June 11, 2026

1 Motor Accident Claims Tribunal, Sirsa

2 FAO No.1627 of 2004

3 <https://ilostat.ilo.org/topics/unpaid-work/measuring-unpaid-domestic-and-carework/#:~:text=Every%20day%2C%20more%20than%2016,based%20inequalities>

4 <https://www.undp.org/india/blog/who-cares-making-care-everyones-work>

5 https://www.oed.com/dictionary/housewife_n?tl=true

6 https://www.oed.com/dictionary/housewife_n?tl=true

7 <https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/01/2024012544.pdf> released on 16th August 2023 and updated on 13th November 2023

8 (2001) 8 SCC 197

9 (2010) 9 SCC 218

10 (2020) 7 SCC 256

11 (2021) 2 SCC 166

12 2023 SCC OnLine Ker 964

13 2020 SCC OnLine Mad 2163

14 (2025) 2 SCC 145

15 (2017) 16 SCC 680

16 (2013) 9 SCC 54

17 (2018) 18 SCC 130

Source disclosure: Complete sanitized public judgment text retained for research; official-primary replacement remains pending.

Disclaimer: General information only. Verify the current legal position and obtain professional advice before acting.