239 **CM-9025-CII-2015 in**
RA-CR-99-CII-2015 in
FAO-7728-2011

MEENA AND ORS VS STATE OF HARYANA AND ORS

Present: Ms. Vandana Malhotra, Advocate
for applicant-respondent No.4.

Mr. Ashwani Arora, Advocate
for the non-applicants/appellants.

****

<u>CM-9025-CII-2015</u>

There is a delay of 466 days in filing of this review petition.

Learned counsel for the non-applicants/appellants does not raise any serious objection to condonation of the same.

Keeping in view the reasons mentioned in the application as well as the stand taken by learned counsel for the non-applicants/appellants, delay in filing of this review petition is condoned in the interest of justice subject to all just exceptions.

<u>Review Petition-99-CII-2015</u>

Mr. Ashwani Arora, Advocate accepts notice on behalf of the non-applicants/appellants and Mr. Ram Tilak Redhu, DAG, Haryana on behalf of respondent No.1.

Learned counsel for applicant-respondent No.4 seeks review of order dated 28.06.2010 on the ground that deduction of $1/5^{th}$ has been incorrectly applied whereas it should have been $1/4^{th}$ in terms of judgment of the Hon'ble Supreme Court in *<u>Sarla Verma v. DTC, 2009(3) RCR(Civil) 77</u>* as the number of dependents were six.

Learned counsel for the non-applicants/appellants per contra submits that deduction of $1/5^{th}$ was applied on account of personal expenses of the deceased by this Court after taking into consideration the entire facts and circumstances of the case as well as evidence on record.

Having heard learned counsel for the parties and going through decision dated 28.06.2010, it is apparent that applicant-respondent No.4 seeks to impugn decision dated 28.10.2013 by way of this review petition which is not permissible. While determining the multiplier to be applied in this case, there is specific reliance on the decision in *Sarla Verma's case (supra)*. In respect to the deduction to be effected while assessing the income of the deceased, it is observed therein that:-

> *"The submissions are persuasive. This Court holds the income of the deceased at Rs.5,000/- per month. Addition of 30% is given to his income for future prospects in view of the judgment of the Hon'ble Supreme Court rendered in* ***Rajesh and others vs. Rajbir Singh and others, 2013 CJ 1403****. The figure comes to Rs.6,500/- (5,000+1,500). The family of the deceased consisted of two sons, two daughters and the parents. So, deduction of 1/5th is made from the income of the deceased for personal and living expenses of the deceased and the dependency is held at Rs.5200/- per month. Multiplier of 14 is applied and the loss of dependency is assessed at Rs.8,73,600/- (5200x12x14)".*

Learned counsel for the applicant is unable to point out any ground which warrants interference by way of review of the decision dated 28.10.2013.

Review petition is accordingly dismissed.

September 17, 2015 **(LISA GILL)**
m. sharma **JUDGE**