

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**FAO No.4665 of 2009 (O&M)
Decided on: 03.08.2016**

Shashi Bala and others

....Appellants

Versus

Pawan Kumar and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Vimal Singh, Advocate
for Mr. Ravinder Malik, Advocate
for the appellants.

Mr. P.K. Longia, Advocate
for respondents No.1 to 5.

None for respondent No.4.

Mr. Neeraj Khanna, Advocate
for Mr. Ravinder Arora, Advocate
for respondent No.6.

REKHA MITTAL, J.

CM Nos.21839-40 of 2009

Prayer in these applications is for condoning delay of 69 days in re-filing and 45 days in filing the appeal.

Heard.

In view of averments made in the applications supported by an affidavit of Shashi Bala, the applicant-appellant No.1. and in absence of any challenge to correctness of the averments set up in the applications, I am satisfied that delay has been sufficiently explained. Accordingly, the applications are allowed and delay of 69 days in re-filing and 45 days in filing the appeal stands condoned.

MAIN CASE

The claimants are in appeal seeking enhancement of

compensation in respect of death of Munish Verma in a motor vehicular accident that took place on 19.03.2006.

The deceased was unmarried, aged about 22 years'. The compensation was claimed by Smt. Shashi Bala and Ajit Verma, parents and two sisters namely Megha Verma and Neha Verma of the deceased. The learned Tribunal assessed income of the deceased at Rs.3,400/- per month by taking into consideration wage of a casual labour, deducted 50% towards personal expenses, applied a multiplier of 15 and assessed loss of dependency to the tune of Rs.3,06,000/- and the total compensation was assessed to the tune of Rs.3,10,000/-.

The Tribunal has not allowed benefit of increase in income for future prospects in the light of judgment ***“Rajesh and others Vs. Rajbir Singh and others”***, 2013(3) R.C.R. (Civil) 170. After allowing said benefit, income of the deceased is assessed to the tune of Rs.30,600 (Rs.20,400/- + Rs.10,200/-).

The Tribunal has applied the multiplier of 15 by taking into consideration age of Smt. Shashi Bala (mother of the deceased). In view of enunciation of law laid down by Hon'ble the Apex Court in ***“Smt. Sarla Verma and others vs. Delhi Transport Corporation and another”***, 2009(3) R.C.R. (Civil) 77, the appropriate multiplier would be 18 as the deceased was less than 25 years' of age. In this manner, loss of dependency comes to **Rs.5,50,800/-** (Rs.30,600/- x 18).

The mother of the deceased shall be entitled to an amount of **Rs.50,000/-** for loss of love and affection. The appellants shall be entitled to an amount of **Rs.25,000/- each** for expenses on funeral and loss of estate. The total compensation payable to the appellants comes

to **Rs.6,50,800/-**. The enhanced compensation is calculated at **Rs.3,40,800/-** (Rs.6,50,800/- – Rs.3,10,000/-). The amount of enhanced compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition till realization and payable to the mother exclusively, shall be deposited in the shape of FDR in a nationalized bank for a period of two years.

Before parting with this order, it is necessary to clarify that *FAO No.929 of 2009 along with other connected appeals and Civil Revision No.1088 of 2009* filed by United India Insurance Company Limited were decided on 23.12.2010, whereby the insurance company was exonerated of its liability to pay compensation. Later, the said judgment was reviewed by the Court in *RA No.CR-9-CII of 2011 in FAO No.929 of 2009* titled “**United India Insurance Company Limited vs Anita Singhal and others**”, 2011(3) RCR (Civil) 520, whereby the review application was allowed and the insurance company has been held liable to satisfy all the claims.

Appeal stands disposed of in the aforesaid terms.

(REKHA MITTAL)
JUDGE

03.08.2016
yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No