

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1281 of 2013 (O&M)

Date of decision : March 01, 2016

Navdeep Singh Bandesha

..... Appellant

v.

Bharpur Singh and another,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. DPS Randhawa, Advocate
for the appellant.

Mr. Aftab Singh, Advocate
for Mr. Ashwani Talwar, Advocate
for respondent No.2.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

C.M No.7688 CII of 2013

This is an application for condonation of 2221 days in filing the appeal. Counsel for the Insurance Company states that he would have no objection to the delay being condoned subject to the condition that the appellant be held dis-entitled for interest for the said period.

I find it to be a fair submission. Consequently, this application is allowed and delay is condoned. It is clarified that the appellant would not be entitled to interest for the said period.

FAO No.1281 of 2013

This appeal has been filed by the claimant/appellant for enhancement of compensation. Brief facts are that on 20.2.2003, deceased- Ms. Mandeep Bandesha and her parents were going towards Jalandhar in the offending car being driven by respondent No.1 and at about 11.45 am, when they reached near village Malisia abutting Nurpur, the car suddenly slipped and the driver (respondent No.1) lost control and the car dashed against a eucalyptus tree and over turned. As a result of this accident, Mandeep Bandesha died, while her parents received serious injuries. The Tribunal held that the deceased died due to injuries sustained by her and awarded a lump sum of ₹ 1,50,000/- and ₹ 2,000/- as funeral expenses.

Counsel for the appellant has argued that the Tribunal has erred in awarding lump sum amount. As per him, the deceased was 57 years of age at the time of accident and the compensation had to be worked out on the multiplier-dependency system.

Counsel for the respondent/Insurance Company is not in a position to deny this.

Consequently, in the facts and circumstances of the case, monthly income of the deceased is taken as ₹ 3000/-, in view of the decision in Lata Wadhwa and others v. State of Bihar and others reported as 2001(4) RCR(Civil) 673, where the Hon'ble Supreme Court had evaluated the contribution of a house wife at ₹ 3000/- per month. Further, dependency would be 1/3rd, and multiplier would be 9 in this case. Besides this, I award a sum of ₹ 7000/- more as funeral expenses. The enhanced amount would carry the rate of interest @ 8% pa from the date of application till the date of payment excluding the period of delay. It is made clear that the lump sum amount of ₹ 1,50,000/- already awarded would be

deducted from the enhanced amount.

This appeal stands disposed of in the above terms.

March 01, 2016
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(AJAY TEWARI)
JUDGE