

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

FAO No. 2612 of 2013 (O&M)

Date of decision: 05.04.2016

Ajmer Singh and others

... Appellants

versus

Avtar Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. P.S. Dhaliwal, Advocate for the appellants.

K.Kannan, J. (ORAL)

CM No. 7102-CII-2016

For the reasons mentioned in the application, duly supported by an affidavit, delay of 390 days in filing the application is condoned.

CM is disposed of.

CM No. 7103-CII-2016

Application ordered.

Order proceeding respondent Nos. 1 & 3 against ex-parte is set aside and they are allowed to join the proceedings.

CM No. 12004-CII-2013

For the reasons mentioned in the application, duly supported by an affidavit, delay of 370 days in refiling the appeal is condoned.

CM is disposed of.

FAO No. 2612 of 2013 & CM No. 12005-CII-2013

The appeal is for enhancement of compensation for death of a male aged 23 years in a motor accident that took place on

07.09.2006. He was said to be an agriculturist and the claimants were parents. His income was assessed by the Tribunal at Rs. 3,000/- and awarded the compensation of Rs. 1,76,000/-. I rework the compensation taking the income as assessed by the Tribunal to provide for prospect of increase at income of 50% and also provide for loss of love and affection for each of the parent at Rs. 50,000/- and enhance the funeral expenses at Rs. 25,000/-. The several heads of compensation are tabulated as under:

<u>Fatal</u>	Date of accident	07.09.2006	
Age	23		
Occupation	Agriculturist		
Claimants	Parents		
SR. No.	Heads of claim	Tribunal Amount (Rs.)	High Court Amount (Rs.)
1	Income	3,000/-	3,000/-
2.	Add, % of increase, 30%/50%		3,900/-
3.	Deduction, 1/2		1,950/-
4.	Multiplicand		23,400/-
5.	Multiplier		18
6.	Loss of dependence		4,21,200/-
7.	Medical Expenses		
8.	Loss of Consortium		
9.	Loss of love and affection		1,00,000/-
10.	Loss to estate		5,000/-
11.	Funeral Expenses		25,000/-
	Total	1,76,000/-	5,54,200/-

There shall be an aggregate of compensation at Rs. 5,54,200/- and the amount in excess of what has been already assessed shall also

attract interest at Rs. 7.5% per annum. There is also a delay of nearly 3 years in filing the appeal and the reason given is not acceptable that due to bereavement of the death of the son they could not prefer the appeal and they have to arrange for the resources. If they could fight the bereavement to the prosecute the case before the Tribunal, this is hardly a justification for not filing the appeal in law. I would therefore, disallow interest for the delay caused and allow the additional interest to be secured only from the day when the appeal is allowed, namely today. The liability shall be in the same manner as assessed by the Tribunal. The award stands modified and the appeal is allowed to the above extent. Delay of 937 days in filing the appeal is condoned.

(K.KANNAN)
JUDGE

05.04.2016

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