

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

**CM-4938-CII-2016 IN/AND
RA-CR-41-CII-2016 IN FAO-2545-2012
DATE OF DECISION: 23.5.2016**

PALO DEVI AND OTHERS Appellants

VS.

BHUPINDER KUMAR AND OTHERS Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. K.S. Dhanora, Advocate
for the non-applicant-appellants.

Mr. Mayank Sharma, Advocate
for applicant/respondent No.3.

LISA GILL, J. (ORAL)

CM-4938-CII-2016

This is an application for condonation of delay of 128 days in filing of this review petition. It is submitted that the error in calculation in order dated 04.09.2015 came to light during the preparation of the decretal amount and the present petition was filed thereafter without any delay.

For the reasons mentioned in the application duly accompanied by an affidavit, as well as the arguments addressed, this application is allowed and the delay of 128 days in filing the review petition is condoned.

REVIEW APPLICATION

Prayer in this application is for modification of the order dated 04.09.2015 whereby FAO No.2545 of 2012 has been disposed of with an enhancement in the amount of compensation awarded to the claimants. It is submitted that due to a mathematical mistake, income of the deceased has been assessed at Rs.4,000/- per month, whereas, it should have been Rs.3,000/- per month after deduction of 50% from the total income of Rs.6000/- (after addition of 50% to Rs.4,000/- on account of loss of future prospects). Therefore, the total amount of compensation would be Rs.7,73,000/- instead of Rs.9,89,000/-. Learned counsel for the non-applicants-appellants fairly accepts that the abovesaid mathematical error has indeed crept in the impugned order and is required to be corrected.

Ordered accordingly.

Income of the deceased-Sandeep is assessed at Rs.6,000/- per month and applying the deduction of 50%, it is assessed at Rs.3,000/- per month thereby taking the loss of dependency to be Rs.6,48,000/- (Rs.3000 x 12 x 18) and the total compensation is assessed as Rs.7,73,000/- instead of Rs.9,89,000/-.

Application is accordingly disposed of. This order shall be read as a part of the order dated 04.09.2015.

**(LISA GILL)
JUDGE**

23.05.2016
SwarnjitS