

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

**FAO No.1585 of 2014 (O&M)
Date of Decision: 13.12.2017**

Khushboo and others

...Appellant(s)

Versus

Suman Kumar @ Kallu and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Johan Kumar, Advocate
for the appellants.

Mr. M. B. Jain, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

CM-5348-CII-2014

The instant application has been filed under Section 5 of Limitation Act for condonation of delay of 256 days in filing the appeal.

In view of the reasons mentioned in the application, delay of 256 days in filing the appeal is condoned.

Application stands disposed of.

FAO No.1585 of 2014

It is the claimants appeal seeking enhancement of the compensation allowed to it by the Motor Accident Claims Tribunal,

Faridabad.

Kamal Sharma was 23 years old. He was married and had a daughter. He died in an accident which occurred on 06.12.2011. The claim petition was preferred by his widow, minor daughter and his parents. The Tribunal took the income of the deceased at Rs.5000/- and after deducting 1/3rd towards personal expenses, the multiplier of 18 was applied to calculate the loss. Besides that Rs.5000/- was allowed for loss of estate, Rs.5000/- as funeral expenses, and Rs.10,000/- for loss of consortium. The medical expenses of Rs.2,23,000/- were also allowed, raising the total to Rs.9,77,400/- which was rounded off to Rs.9,80,000/-

The submission of the appellants is for addition of future prospects and for the addition on the miscellaneous heads as per '**National Insurance Company Ltd. Vs. Pranay Sethi and others (SLP (Civil) No.25590 of 2014)**'.

The deceased was 23 years old, therefore, making an addition of 40% the income would be Rs.7,000/- and making a deduction of 1/3rd the compensation would be $4667 \times 12 \times 18 = \text{Rs.}10,08,072/-$. To this Rs.15,000/- should be added for funeral expenses and Rs.15,000/- for loss of estate and Rs.40,000/- for loss of consortium and Rs.2,23,000/- , the amount spent on medical expenses which raises the total to Rs.13,01,072/-. The Tribunal had allowed Rs.9,80,000/- which would be deducted and the balance amount would be paid with interest @6% from the date of

filing of appeal.

The appeal is partly allowed.

December 13, 2017

ps-/

(ANITA CHAUDHRY)
JUDGE

Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No