

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

FAO No.5233 of 2015(O&M)

Date of decision: 7.12.2017

Manjit Kaur and others

.....Appellants

VERSUS

Amarjit Singh @ Bagga and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Gurmeet Gill, Advocate for the appellants.

Mr. Sarju Puri, Advocate for respondents No.1 and 2.

Mr. Varun Mittal, Advocate for

Mr. Vikas Mohan Gupta, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.16189-CII of 2014

Prayer in this application is for condonation of delay of 693 days in filing the appeal.

Heard.

In view of the averments made in the application supported by affidavit of Sukhdev Singh- appellant No.2, the application is allowed and delay of 693 days in filing the appeal stands condoned, subject to condition that in case, the appellants succeed in appeal, they will forego interest for the delayed period.

The application stands disposed of.

FAO No.5233 of 2015

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Shaheed Bhagat Singh Nagar (in short 'the Tribunal') in regard to death of Gurnam Singh in a motor vehicular accident that took place on 14.05.2012.

The Tribunal awarded compensation to the tune of Rs.7,30,000/- detailed hereunder:-

Monthly income of the deceased	Rs.6,000/-
Deduction for personal expenses	1/4 th
Multiplier	13
Loss of dependency	Rs.7,02,000/- (Rs.54,000 x 13)
Loss of consortium	Rs.10,000/-
Funeral expenses	Rs.18,000/-

Counsel for the appellants has submitted that the Tribunal has not allowed benefit of increase in income for future prospects. Adequate compensation may be allowed under conventional heads.

Counsel representing the insurance company, on the contrary, would submit that adequate compensation has been allowed by the Tribunal.

As per finding of the Tribunal, the deceased was 50 years old at the time of death and this finding is based upon his age recorded in the post-mortem report. However, there is no challenge to findings of the Tribunal with regard to age of the deceased. Hence, the claimants shall be entitled to increase in income for future prospects to the extent of 25%. The multiplier and deduction for personal expenses allowed by the

Tribunal are affirmed. In this manner, loss of dependency comes to Rs.8,77,500/-[Rs.9,36,000/- (Rs.6000/- x 12 x 13) + Rs.2,34,000/- (25% towards future prospects) – Rs.2,92,500/- (1/4th deduction towards personal expenses)].

The claimants shall be entitled to following compensation under conventional heads in the light of judgment of Hon'ble the Supreme Court in **SLP (Civil) No.25590 of 2014 titled National Insurance Company Ltd. Vs. Pranay Sethi and others, decided on 31.10.2017:-**

Loss of consortium	Rs.40,000/-
Funeral expenses/last rites	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.9,47,500/- and the additional amount is Rs.2,17,500/-(Rs.9,47,500/- - Rs. 7,30,000/-). The additional amount shall carry interest at the rate of 7.5% per annum from the date of petition till realization except for the period of delay of 693 days, payable to the widow and minor son of the deceased. The amount falling to the share of minor shall be deposited in a Fixed Deposit Receipt till he attains the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

DECEMBER 7, 2017

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no