

**In the High Court of Punjab and Haryana at Chandigarh**

**FAO- 4443 of 2016(O&M)**  
**Date of Decision:8.12.2017**

**Jasbir Kaur and others**

**---Appellants**

**vs.**

**PEPSU Road Transport Corporation and others**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**\*\*\***

**Present:** Mr. G.S.Sandhu, Advocate  
for the appellants

Mr. Sarabjeet Singh Khaira, Advocate  
for respondent Nos. 1 and 2

None for respondent No. 3

**\*\*\***

**Rekha Mittal, J.**

**CM No. 15284-CII of 2016**

Prayer in this application is for condoning delay of 1580 days in filing the appeal.

Keeping in view the object of Legislation in providing for compensation in motor vehicular accident cases coupled with failure of the respondents to controvert averments of the application that delay is neither intentional nor willful, the application is allowed, delay of 1580 days in filing the appeal stands condoned but subject to the condition that the appellants shall forego interest for the period of delay in case compensation is enhanced.

Disposed of accordingly.

**FAO-4443 of 2016**

The claimants are in appeal seeking enhancement of compensation in regard to death of Hakam Singh in a motor vehicular accident that took place on 28.10.2006. The Motor Accidents Claims Tribunal, Ludhiana (hereinafter to be referred to as “the Tribunal”) awarded compensation to the tune of Rs. 3,38,000/-, detailed hereinbelow:-

|                                 |                       |
|---------------------------------|-----------------------|
| Monthly income of the deceased  | Rs. 3000/-            |
| Deduction for personal expenses | 1/3 <sup>rd</sup>     |
| Multiplier                      | 14                    |
| Loss of dependency              | 2000x12x14=3,36,000/- |
| Expenses on funeral/last rites  | Rs. 2000/-            |

Counsel for the appellants would urge that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 40%. As the deceased was less than 40 years of age, admissible multiplier should be 15. The application for compensation was filed by the widow, three minor children and widowed mother of the deceased held entitled to get compensation, therefore, admissible deduction for personal expenses would be 1/4<sup>th</sup>. Adequate compensation may be given under conventional heads.

Counsel representing respondents No. 1 and 2 has supported the assessment made by the Tribunal.

The Tribunal has assessed income of the deceased at Rs. 3000/- per month. There is no materials on record to justify enhancement of income of the deceased. As the deceased was in the age bracket of 36-40 years, admissible multiplier would be 15. As has been rightly argued by

counsel for the claimants, in view of number of dependents upon earnings of the deceased, deduction for personal expenses would be  $1/4^{\text{th}}$ . As the deceased was less than 40 years of age, claimants would be entitled to increase in income for future prospects to the extent of 40%. In this manner, loss of dependency comes to  $\text{Rs. } 3000 \times 12 \times 15 = \text{Rs. } 5,40,000 + 2,16,000$   $(40\%) = 7,56,000 - 1,89,000(1/4^{\text{th}}) = \text{Rs. } 5,67,000/-$ .

Under conventional heads, claimants shall be entitled to following compensation in the light of judgment of Hon'ble the Supreme Court of India **Special Leave Petition (Civil) No. 25590 of 2014 (National Insurance Company Limited vs. Pranay Sethi and others** decided on 31.10.2017:-

|                             |                     |
|-----------------------------|---------------------|
| Loss of consortium to widow | <b>Rs. 40,000/-</b> |
| Expenses on funeral         | <b>Rs. 15,000/-</b> |
| Loss of estate              | <b>Rs. 15,000/-</b> |

The total compensation comes to **Rs. 6,37,000/-** and the additional amount is **Rs. 2,99,000/-**  $(6,37,000 - 3,38,000)$ . 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 1580 days, payable to the widow and children of the deceased in the ratio 55:15:15:15.

Appeal is partly allowed in the aforesaid terms.

**(Rekha Mittal)**  
**Judge**

**8.12.2017**  
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Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No