

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

**FAO- 9807 of 2014(O&M)**  
**Date of Decision: 11.12.2017**

**Nirmal Kaur**

**---Appellant**

**versus**

**Karamjit Singh @ Karma and others**

**---Respondents**

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

**Present: Mr. Sherry K.Singla, Advocate**  
**for the appellant**

**None for the insurance company**

**\*\*\***

**Rekha Mittal, J.**

**CM No. 27198-CII of 2014**

Prayer in this application is for condoning delay of 253 days in filing the appeal.

In view of averments made in the application coupled with the factum that provisions of the Motor Vehicles Act for grant of compensation are meant to enhance social justice and save the victim family from the financial loss caused due to accident, the application is allowed, delay of 253 days in filing the appeal stands condoned subject, however, to the condition that in case the compensation is enhanced, the applicants-appellants shall not be entitled to interest for the period of delay.

Disposed of accordingly.

**FAO No. 9807 of 2014**

The claimants are in appeal seeking enhancement of compensation

in regard to death of Khushwinder Singh in a motor vehicular accident that took place on 12.1.2009.

The Motor Accidents Claims Tribunal, Bathinda ( in short “the Tribunal”) assessed compensation to the tune of Rs.3,63,000/-, detailed hereinbelow:-

|                                |                      |
|--------------------------------|----------------------|
| Monthly income of the deceased | Rs.4500/-            |
| Deduction for personal expense | 50%                  |
| Multiplier                     | 13                   |
| Loss of dependencly            | 2250 x12x13=3,51,000 |
| General damages                | Rs. 6,000/-          |
| Loss of estate                 | Rs. 6,000/-          |

Counsel for the appellants has submitted that the Tribunal has not allowed benefit of increase in income for future prospects to the extent of 40%. The multiplier adopted by the Tribunal is liable to be modified in the light of judgments of Hon'ble the Supreme Court of India **Smt.Sarla Verma and others vs. Delhi Transport Corporation and another 2009 ACJ 1298** and **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**. Adequate compensation may be allowed under conventional heads.

There is no representation on behalf of the insurance company, earlier being represented by a counsel.

The Tribunal has assessed income of the deceased at Rs. 4500/- per month. The deceased is held to be 25 years old at the time of accident. Under the circumstances, the claimants shall be entitled to increase in income for future prospects to the extent of 40% and multiplier

of 18 for computing loss of dependency. In this manner, loss of dependency comes to Rs.  $2250 \times 12 \times 18 = 4,86,000 + 1,94,400 =$  Rs. 6,80,400/-.

Under conventional heads, claimants shall be entitled to following compensation in the light of judgment of Hon'ble the Supreme Court of India in **Pranay Sethi and others' case (supra)**:-

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

The total compensation comes to Rs. 7,10,400/- and the additional amount is Rs. 3,47,400 (7,10,400 – 3,63,000), payable with interest at the rate of 7.5% per annum from the date of petition till realization except for the period of delay of 253 days.

Appeal is partly allowed in the aforesaid terms.

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

**11.12.2017**

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No