

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

217

FAO-2816-2013 (O&M)  
Date of decision: 24.08.2018

SURESH KUMAR

... Appellant

Versus

RAMESH KUMAR AND ORS

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : None for the appellant.

Mr. A.S. Sidhu, Advocate for the insurance company.

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**REKHA MITTAL, J. (Oral)**

**CM No.12715-CII of 2013**

Prayer in this application is for condonation of delay of 171 days in filing the appeal.

In view of averments made in the application supported by an affidavit of the appellant coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 171 days in filing the appeal is condoned subject to the condition that the claimant shall forgo interest for the period of delay in case compensation is enhanced.

**Main Case**

The claimant is in appeal seeking enhancement of compensation on account of death of Roop Chand in a motor vehicular accident that took place on 07.07.2010.

The Tribunal has awarded compensation of Rs.2,39,000/-, detailed hereunder:-

|                                    |               |
|------------------------------------|---------------|
| 1. Monthly income of the deceased  | Rs.7300/-     |
| 2. Multiplier                      | 5             |
| 3. Deduction for personal expenses | 50%           |
| 4. Loss of dependency              | Rs.2,19,000/- |
| 5. Expenses on funeral             | Rs.10,000/-   |
| 6. Loss of estate                  | Rs.10,000/-   |

The deceased was a pensioner from Haryana State Electricity Board. He was born on 07.10.1940 and died on 07.07.2010. He was drawing pension of Rs.7377/- but the Tribunal has taken loss of pension @Rs.7300/-. The entire amount of pension would be taken into consideration for computing loss of dependency. In this manner, loss of dependency qua loss of pension is calculated at Rs.2,21,310/-  $[(Rs.7377 \times 12 \times 5) - (50\% \text{ deduction for personal expenses})]$ .

The deceased was less than 70 years of age. There is nothing on record suggestive of the fact that he was suffering from any ailment rendering him incapacitated to provide security to the family. The value of services of the deceased is assessed at Rs.2000/- per month. After allowing deduction to the extent of 50% and multiplier of 5, loss of dependency is calculated at Rs.60,000/-  $[(Rs.2000 \times 12 \times 5) - (50\% \text{ deduction for personal expenses})]$ . Total loss of dependency comes to Rs.2,81,310/-.

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitled to Rs.30,000/-, i.e. Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate.

Total compensation is Rs.3,11,310/- and the additional amount is Rs.72,310/-  $(3,11,310 - 2,39,000)$ , payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay.

The appeal is partly allowed in the aforesaid terms.

24.08.2018

ashok

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No