

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

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FAO No.1210 of 2015 (O&M)

Date of decision: 25.09.2018

SUMITRA

... Appellant

Versus

LEHNA SINGH AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vishal Malik, Advocate for the appellant.

Mr. Satpal Dhamija, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.3270-CII of 2015

Prayer in this application is for condonation of delay of 284 days in filing the appeal.

In view of averments made in the application supported by an affidavit of Smt. Sumitra, claimant coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 284 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 Pawan Kumar in a motor vehicular accident that took place on 14.10.2011.

The Tribunal has awarded compensation of Rs.4,60,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	14
3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.4,20,000/-
5. Funeral and last rites	Rs.10,000/-
6. Loss of estate	Rs.10,000/-
7. Loss of love/affection	Rs.10,000/-
8. Transportation	Rs.10,000/-

Counsel for the appellant would urge that compensation may be enhanced by allowing benefit of increase in income for future prospects and appropriate multiplier on the basis of age of the deceased.

Counsel for the insurance company, on the contrary, has supported findings of the Tribunal applying multiplier of 14 on the basis of age of the claimant.

Claimant shall be entitle to addition in income for future prospects @ 40% in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. As the deceased was 22-23 years old, admissible multiplier would be 18 in the light of judgments of Hon'ble the Supreme Court **Sarla Verma & Ors vs Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and ors., 2015 (3) SCC (Civil) 315** and **Pranay Sethi and others's case (supra)**. Accordingly, loss of dependency is calculated at Rs.7,56,000/- [(Rs.5000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Compensation allowed under conventional heads is ordered to be affirmed.

Total compensation is Rs.7,96,000/- and the additional amount is Rs.3,36,000/- (7,96,000 - 4,60,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 284 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

25.09.2018

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Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No