IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.133 of 2015 (O & M)
Date of Decision:-20.3.2018

Kafi Devi and another

...Appellants

Versus

Bhim Singh and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. P.K. Chugh, Advocate
for the appellants.

Mr. Vikas Sharma, Advocate for
Mr. R.K. Bashamboo, Advocate
for respondent No.3-insurance company.

REKHA MITTAL J.(Oral)

CM No.481-CII of 2015 & CM No.480-CII of 2015

Prayer in these applications is for condoning delay of 827 days in filing and 255 days in refiling the appeal.

In view of averments made in the applications supported by affidavits of one of the appellants coupled with that provisions of the Motor Vehicles Act for grant of compensation are benevolent social legislation to save the victim family from the financial loss caused due to accident, the applications are allowed, delay of 827 days in filing and 255 days in refiling the appeal stand 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.

FAO No.133 of 2015

Claimants are in appeal seeking enhancement of compensation on account of death of Ram Mehar in a motor vehicular accident that took place on 05.11.2009.

The Tribunal has awarded compensation of Rs.5,46,000/-, detailed hereunder :-

Monthly income of the deceased	Rs.4000/-
Deduction for personal expenses	1/4th
Multiplier	15
Loss of dependency	Rs.5,40,000/-
Transportation and last rites	Rs.6000/-

Counsel for the claimants would argue that claimants are entitled to increase in income for future prospects @ 40%; adequate compensation may be allowed under conventional heads. Appropriate multiplier is liable to be applied in the light of judgment of Hon'ble the Supreme Court **Sarla Verma and others v. Delhi Transport Corporation and another 2009(3) R.C.R. (Civil) 77.**

Counsel representing the insurance company has supported assessment by the Tribunal on the plea that adequate compensation has been awarded.

The Tribunal assessed income of the deceased @ Rs.4000/- per month and the same is ordered to be affirmed. However, deduction for personal expenses would be 1/3rd as application for compensation was filed by the widow, minor son and mother of the deceased. As deceased was 30 years old, admissible multiplier would be '17'. Claimants shall be entitled to benefit of future prospects @ 40%. In this manner, loss of dependency comes to Rs.7,61,600 (Rs.4000 x 12 x 17) + (40%) - (1/3rd).

Under conventional heads, claimants shall be entitled to Rs.70,000/-, detailed hereunder :-

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

Total compensation is Rs.8,31,600/- and additional amount of Rs.2,85,600/- is payable with interest of 7.5% per annum from the date of petition till realization except for the period of delay in filing and re-filing the appeal.

The appeal is partly allowed in the aforesaid terms.

March 20, 2018 **(REKHA MITTAL)**
Vijay Asija **JUDGE**

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No