IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214 FAO-373-2013 (O&M)

Date of decision: 21.11.2018

SATBIR SINGH AND ANR. ... Appellants

Versus

SOMBIR AND ORS. ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sudhir K. Hooda, Advocate for the appellants.

Mr. Vikas Saroha, Advocate for
Mr. Mohit Rana, Advocate for respondents No.1 and 2.

Mr. Rohit Goswami, Advocate for
Mr. D.P. Gupta, Advocate for the insurance company.

****

<u>REKHA MITTAL, J. (Oral)</u>

CM Nos.2254-55-CII of 2013

Prayer in these applications is for condonation of delay of 262 days in refiling and 172 days in filing the appeal.

In view of averments made in the applications coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, applications are allowed and delay of 262 days in refiling and 172 days in filing the appeal is condoned subject to the condition that the claimants shall forgo interest for the period of delay, in case compensation is enhanced.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Narender @ Rinku in a motor vehicular accident that took place on 17.08.2010.

The Tribunal has awarded compensation of Rs.2,74,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	9

3. Deduction for personal expenses	50%
4. Loss of dependency	Rs.2,70,000/-
5. Expenses on funeral	Rs.4000/-

The deceased was unmarried son of claimants Satbir Singh and Krishna Devi. He was 21 years old at the time of occurrence as per the postmortem report. 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 **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270,** multiplier for computing loss of dependency would be 18. Claimants would be entitle to addition in income for future prospects @ 40%. In this manner, loss of dependency is calculated at Rs.7,56,000/- [(Rs.5000 x 12 x 18) + (40% future prospects) – (50% deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.1,10,000/-, detailed hereunder:-

1. Loss of consortium to the claimants	Rs.80,000/- (Rs.40,000/- each)
2. Expenses on last rites	Rs.15,000/-
3. Loss to estate	Rs.15,000/-

Total compensation is Rs.8,66,000/- and the additional amount is Rs.5,92,000/- (8,66,000 – 2,74,000), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 262 days in refiling and 172 days in filing the appeal.

Disposed of.

21.11.2018 **(REKHA MITTAL)**
ashok **JUDGE**

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