

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

FAO No.4077 of 2014(O&M)

Date of decision: 20.4.2018

Geeta Devi and others

....Appellants

VERSUS

Tarlochan Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vaibhav Sehgal, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.2.

REKHA MITTAL, J.(Oral)

CM No.12135-CII of 2014

Prayer in this application is for condoning delay of 20 days in re-filing the appeal.

Heard.

In view of averments made in the application, same is allowed. Delay of 20 days in re-filing the appeal stands condoned.

Disposed of accordingly.

CM No.12137-CII of 2014

Prayer in this application is for condoning delay of 50 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Geeta Devi- appellant No.1, the application is allowed. Delay of 50 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.4077 of 2014

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ludhiana (in short 'the Tribunal') in regard to death of Ram Bilas in a motor vehicular accident that took place on 29.09.2010.

The Tribunal has awarded compensation of Rs.5,91,000/- detailed hereunder:-

Monthly income of the deceased	Rs.4000/-
Deduction for personal expenses	1/5 th
Multiplier	15
Loss of dependence	Rs.5,000/-
Loss of consortium	Rs.5,000/-
Funeral expenses/last rites	Rs.5,000/-

The Tribunal has assessed income of the deceased at Rs.4,000/- per month. Counsel for the claimants has not advanced any argument justifying increase in income and accordingly income of the deceased assessed by the Tribunal is affirmed. The deceased was 35 years old, therefore, admissible multiplier would be 16. Claimants shall be entitled to benefit of increase in income for future prospects at the rate of 40%. Deduction for personal expenses allowed by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.8,60,160/- [Rs.7,68,000/- (Rs.4000/- x 12 x 16) + Rs.3,07,200/- (40% towards future prospects) – Rs.2,15,040/- (1/5th deduction towards personal expenses)].

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

Loss of consortium	Rs.40,000/-
Expenses on funeral/last rites	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.9,30,160/- and the additional amount is Rs.3,39,160/- (Rs.9,30,160/- - Rs.5,91,000/-), payable with interest at the rate of 7.5% per annum from the date of petition till realization to minor children of the deceased in equal ratio to be invested in Fixed Deposit payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

APRIL 20, 2018

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no