

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

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FAO No.270 of 2015 (O&M)
Date of decision: 16.04.2018

NAWAB AND ORS

... Appellants

Versus

MOHAMMAD & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ashish Gupta, Advocate for the appellants.

Ms. Sheenu Sura, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.802-CII of 2015

Prayer in this application is for condonation of delay of 393 days in filing the appeal.

In view of the averments made in the application supported by affidavit of Mr. Nawab, one of the claimants coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 393 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 Hussaini in a motor vehicular accident that took place on 02.02.2012.

The Tribunal has awarded compensation of Rs.5,30,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3000/-
2. Multiplier	18
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.4,86,000/-
5. Expenses on funeral and last rites	Rs.14,000/-

6. Loss of love and affection

Rs.30,000/-

Counsel for the appellants would urge that value of services of the deceased assessed by the Tribunal is on lower side and needs enhancement. No deduction for personal expenses is to be made in the light of Division Bench judgment of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730.**

Counsel representing the insurance company would argue that adequate compensation has been allowed by the Tribunal.

The Tribunal has assessed income of the deceased at Rs.3000/- per month. The deceased left behind family consisting of her husband and three minor children, one son and two daughters. Taking into consideration that house maker has multifarious duties to perform coupled with that minor children have been deprived of services of their mother, interest of justice would be served if value of services of the deceased is assessed at Rs.7000/- per month. No deduction for personal expenses is to be made in the light of judgment in **Paramjit Singh's case** (supra). Multiplier adopted by the Tribunal is affirmed. In this manner, loss of dependency comes to Rs.15,12,000/- (Rs.7000 x 12 x 18).

Under conventional heads, claimants shall be entitled to Rs.55,000/-, detailed hereunder:-

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

Total compensation is Rs.15,67,000/- and the additional amount is Rs.10,37,000/- (15,67,000 - 5,30,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay i.e. 393 days to minor children of the deceased in equal ratio, to be invested in fixed deposits 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.

16.04.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No