

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 2726 of 2015(O&M)

Date of Decision: 14.3.2018

Sugra @ Sugri and others

---Appellants

versus

Azam and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Aman Priye Jain, Advocate
for the appellants
Ms. Monika Jangra, Advocate,
for Ms. Vandana Malhotra, Advocate
for the insurance company

Rekha Mittal, J.

CM Nos. 8392 and 8391-CII of 2015

Prayer in these applications is for condoning delay of 481 and 90 days in filing and refiling the appeal.

In view of averments made in the applications supported by affidavits coupled with the factum 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 481 and 90 days in filing and refiling the appeal stands 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.

Disposed of accordingly.

Main case

The claimants are in appeal seeking enhancement of

compensation on account of death of Shakti Mohd. in a motor vehicular accident that took place on 21.6.2013.

The Motor Accidents Claims Tribunal, Gurgaon (in short “the Tribunal”) has awarded compensation of Rs. 8,87,184/- rounded off to Rs. 8,87,200/-, detailed hereunder:-

Monthly income of the deceased	Rs. 4500/-
Multiplier	14
Deduction for personal expenses	1/4 th
Addition in income for future prospects	30%
Loss of dependency	Rs. 7,37,184/-
Transportation and funeral expenses	Rs. 25000/-
Loss of consortium	Rs. 1,00,000/-
Loss of care and guidance for minor children	Rs. 25,000/-

Counsel for the appellants would argue that income of the deceased assessed by the Tribunal is far below the minimum wage of an unskilled worker available at the relevant time.

Counsel representing the insurance company, on the contrary, would argue that as the deceased was more than 40 years of age, admissible increase in income for future prospects would be @ 25%. Compensation awarded by the Tribunal under conventional heads needs to be restricted to Rs. 70,000/- in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others** 2017 SCC 1270.

There is no clear evidence on record with regard to income of the deceased as he was doing labour work. The Tribunal has assessed his income @ Rs. 4500/- per month. Taking into

Under conventional heads, claimants shall be entitled to following compensation in the light of latest judgment of Hon'ble the Supreme Court **Pranay Sethi and others' case (supra)**, detailed hereunder:-

The total compensation is Rs. 9,04,750/- and the additional amount is Rs. 17,550/- ($9,04,750 - 8,87,200$), payable with interest @ 7.5% per annum from the date of petition till realization to widow of the deceased except for the period of delay of 481 and 90 days in filing and refiling the appeal.

(Rekha Mittal)
Judge

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