

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

221

FAO No.2766 of 2015 (O&M)

Date of decision: 26.09.2018

SONU AND ORS

... Appellants

Versus

HARJINDER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Balram Prashar, Advocate for the appellants.

Mr. Eklavya Kumar, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.8542-CII of 2015

Prayer in this application is for condonation of delay of 128 days in filing the appeal.

In view of averments made in the application supported by an affidavit of Smt. Sonu, widow of the deceased coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 128 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 Pinku @ Satbir in a motor vehicular accident that took place on 06.09.2012.

The Tribunal has awarded compensation of Rs.10,89,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	16
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.8,64,000/-
5. Expenses on funeral	Rs.25,000/-
6. Loss of consortium	Rs.1,00,000/-

7. Loss of love and affection

Rs.1,00,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. The Tribunal has assessed income of the deceased at Rs.6000/- per month which is more than minimum wage available to highly skilled person at the relevant time, therefore, there is no justification for enhancement of income. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. Accordingly, loss of dependency is calculated at Rs.12,09,600/- [(Rs.6000 x 12 x 16) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants No.1, 2 and 4 shall be entitle to loss of consortium @ Rs.40,000/- each i.e. Rs.1,20,000/-, Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate. The total amount is Rs.1,50,000/-.

Total compensation is Rs.13,59,600/- and the additional amount is Rs.2,70,600/- (13,59,600 - 10,89,000), payable with interest @7.5% per annum from the date of petition till realization except for the period of delay of 128 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

26.09.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No

222

FAO No.3237 of 2015 (O&M)

SANDEEP V/S ASHOK @ KALA AND ORS

Present : None for the appellant.

Mr. Abhinav Gupta, Advocate
for respondent No.3.

Perusal of the records would reveal that there is no representation on behalf of the appellant since 20.04.2017.

The Registry is directed to send an intimation to the appellant in order to ensure representation on his behalf.

Adjourned to 20.02.2019.

26.09.2018
ashok

(REKHA MITTAL)
JUDGE

FAO No.6275 of 2015 (O&M)

PARKASHO DEVI V/S KULDEEP SINGH AND ORS

Present : Mr. Virender P. Singh, Advocate
for the appellant.

Counsel for the appellant does not want to place on record any additional documents, at this stage.

Counsel for the appellant inter alia contends that the Tribunal has allowed deduction for personal expenses to the extent of 50%. No compensation has been assessed by the Tribunal with regard to income of the deceased, post retirement.

Notice in the application for condonation of delay as well as in appeal to the insurance company only for 15.02.2019.

26.09.2018
ashok

(REKHA MITTAL)
JUDGE

224

FAO-707-2015 (O&M)

BIMLA AND ORS V/S VADIL AND ORS

Present : Mr. Sandeep Kotla, Advocate
for the appellants.

None for the insurance company.

Adjourned to 20.02.2019.

26.09.2018

ashok

(REKHA MITTAL)
JUDGE

226

FAO-4708-2015 (O&M)

NARESH SHARMA V/S SONU AND ORS

Present : Mr. Jitender Kumar, Advocate for
Mr. Nipun Vashisht, Advocate
for the appellant.

Arguing counsel for the appellant is stated to be in personal
difficulty.

Adjourned to 20.02.2019.

26.09.2018
ashok

(REKHA MITTAL)
JUDGE

227

FAO-5201-2015

UNIVERSAL SOMPO GENERAL INSURANCE COMPANY LTD V/S
RAJ DEVI AND ORS

228

RSA-561-2015

GURCHARAN SINGH @ GURDARSHAN SINGH V/S JASKARANJOT
SINGH AND ORS

RSA-589-2015 (O&M)

LALLU AND ORS

V/S

PUNJAB WAKF BOARD TH CHAIRMAN TH ESTATE OFFICER

PUNJAB WAKF BOARD DISTT HOSHIARPUR

Present : Mr. AP Kaushal, Advocate
for the appellants.

Mr. GN Malik, Advocate
for the respondent.

Counsel for the appellant would state that the primary issue involved in the present appeal is with regard to jurisdiction of the Civil Court to entertain and try the present suit in the face of Section 85 of The Wakf Act, 1995.

Adjourned to 05.10.2018.

To be shown immediately after incomplete cases.

26.09.2018
ashok

(REKHA MITTAL)
JUDGE

230

RSA-2068-2015 (O&M)

AJAIB SINGH V/S SUKHPAL KAUR AND ANR

Present : Mr. Deepak Aggarwal, Advocate
for the appellant.

None for respondents No.1 and 2.

Adjourned to 20.02.2019.

26.09.2018

ashok

(REKHA MITTAL)
JUDGE

231

FAO No.1224 of 2016 (O&M)

ROSHNI DEVI & ANR V/S NATIONAL INSURANCE CO LTD

Present : None for the appellants.

The Registry is directed to send an intimation to Mr.
Shubhankar Baweja, Advocate of the date fixed.

Adjourned to 29.11.2018.

To be shown in the urgent list.

26.09.2018
ashok

(REKHA MITTAL)
JUDGE

FAO Nos.1931, 1935 and 1940 of 2016 (O&M)

KULDIP SINGH V/S PARAMJIT KAUR AND OTHERS

Present : Mr. Vishal Satija, Advocate for
for the appellant.

Mr. Bikramjit Aurora, Advocate
for respondent No. 1 to 3 in FAO No. 1931-2016
for respondent No. 1 in FAO No. 1935-2016 and
for respondent No. 1 and 2 in FAO No. 1940-2016

Mr. R.S.Sidhu, Advocate
for respondent No. 5 in FAO No. 1931-2016
for respondent No. 3 in FAO No. 1935-2016 and
for respondent No. 4 in FAO No. 1940-2016

Adjourned to 27.09.2018.

Photocopy of this order be placed on the connected files.

26.09.2018
ashok

(REKHA MITTAL)
JUDGE