

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

FAO No. 2131 of 2016 (O&M)
Date of decision : October 11, 2018

Papli Devi and another

..... Appellants

Versus

Subhash Chander @ Uggersain and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Amit Singla, Advocate
for the appellants.

Ms. Geeta Gulati, Advocate
for respondent No.4.

REKHA MITTAL J (Oral).
CM Nos.7995-CII and 7996-CII of 2016

Prayer in these applications is for condonation of delay of 510 days in re-filing and 207 days in filing the appeal.

In view of averments made in the applications supported by an affidavit of Smt. Papli Devi, one of the claimants coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, applications are allowed and delay of 510 days in re-filing and 207 days in filing the appeal stands condoned subject to the condition that the claimants shall forgo interest for the period of delay, in case compensation is enhanced.

FAO No. 2131 of 2016 (O&M)

The claimants are in appeal seeking enhancement of compensation on account of death of Vijay Singh in a motor vehicular

The Tribunal has awarded compensation to the tune of Rs.7,73,600/-, detailed hereunder:-

S. No.	Heads of claim	Amount (Rs.)
1.	Monthly income of the deceased	6000/-
2.	Multiplier	18
3.	Deduction for personal expenses	50%
5.	Loss of dependency	6,48,000/-
6.	Loss of love and affection	1,00,000/-
7.	Transportation of dead body, funeral expenses & last rites	25,000/-
8.	Total	7,73,600/-

The claimants produced documents Ex.P-92 and Ex. P-93 as an evidence that the deceased was a student of diploma in Mechanical Engineering (Tool and Die) in Sh. Balaji Institute of Technology. Taking into consideration the minimum wage of a skilled worker coupled with educational qualification of the deceased, interest of justice would be served if income of the deceased is assessed at Rs.10,000/- per month. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. In this manner, loss of dependency is calculated at Rs. 15,12,000/- [(10,000 x 12 x 18)+ (40% future prospects) – (50%deduction for personal expenses).

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

<i>S.No.</i>	<i>Heads of claim</i>	<i>Amount</i>
1.	Loss of consortium to the parents	Rs. 40,000/- each (Rs.80,000/-)
2.	Expenses for last rites	Rs.15,000/-
3.	Loss to estate	Rs. 15,000/-.

Total compensation is Rs.16,22,000/- and the additional amount is Rs.8,48,400/- (Rs.16,22,000/- - 7,73,600/-)payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 207 days in filing and 510 days in re-filing the appeal. The additional amount shall be payable to mother of the deceased and the same shall be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

October 11, 2018
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No