

In the High Court of Punjab and Haryana at Chandigarh

FAO No. 3162 of 2016(O&M)
Date of Decision:2.2.2018

Farukh and others

---Appellants

vs.

Sahid and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Mr. R.N.Singal, Advocate
for the insurance company

Rekha Mittal, J.

CM No. 11400-CII of 2016

Prayer in this application is for condoning delay of 348 days in filing the appeal.

In view of averments made in the application coupled with the factum that provisions of the Motor Vehicles Act for grant of compensation are meant to enhance social justice and save the victim family from the financial loss caused due to accident, the application is allowed, delay of 348 days in filing 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.

FAO No. 3162 of 2016

The claimants are in appeal seeking enhancement of

compensation on account of death of Asharfi in a motor vehicular accident that took place on 24.10.2013.

The Motor Accidents Claims Tribunal, Mewat (in short “the Tribunal”) has awarded compensation of Rs. 7,77,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 5200/-
Deduction for personal expenses	1/4 th
Multiplier	15
Loss of consortium	Rs. 50,000/-
Expenses on funeral	Rs. 25,000/-

The plea of the claimants is that the deceased was earning Rs. 15000/- per month. Claimants failed to adduce any evidence with regard to income of the deceased. The Tribunal has assessed her income on the baiss of minimum wage of a labour. Taking into consideration notification issued by the State of Haryana fixing minimum wage available at the relevant time, income of the deceased is assessed at Rs. 5400/- per month. Claimants shall be entitled to increase in income for future prospects @ 40% as the deceased was 40 years old. Deduction for personal expenses and multiplier allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs. 5400 x12x 15=9,72,000 + 3,88,800 (40% thereof) =13,60,800 – 3,40,200(1/4th)=Rs.10,20,600/-.

Under conventional heads, claimants shall be entitled to following compensation:-

Loss of consortium to husband	Rs. 40,000/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

The total compensation comes to Rs. 10,90,600/- and the additional amount is Rs. 3,13,600 (10,90,600 – 7,77,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 348 days, to children of the deceased in equal proportion, to be deposited in fixed deposits till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

2.2.2018
paramjit