IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
-.-

FAO 4286 of 2016 (O&M)
Date of decision : 10.10.2018

Ram Kishan ....*Appellant*

vs

Joginder and others *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Kulwant Singh Dhanora, Advocate
for the appellant

Ms. Sheenu Sura, Advocate
for respondent No. 3
-.-

Rekha Mittal, J. (Oral)

CM 14769 CII of 2016

Prayer in this application is for condoning delay of 6 days in re-filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments addressed, the application is allowed and delay of 6 days in refiling the appeal stands condoned.

CM 14770 CII of 2016

Prayer in this application is for condoning delay of 192 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit and arguments addressed, the application is allowed and delay of

192 days in filing the appeal stands condoned subject to condition that in case the appellant succeeds, he will forgo interest for the period of delay of 192 days in filing the appeal.

Main case

The claimant is in appeal seeking enhancement of compensation on account of death of Balinder Singh in a motor vehicular accident that took place on 06.11.2012.

The Tribunal has awarded Rs.6,38,000.00, detailed hereunder:-

Monthly income of the deceased	Rs.4,400.00
Addition in income at the rate of 25%	Rs.1,100.00
Deduction ½	Rs.2,750.00
Multiplicand (annualized)	2,750x12 = Rs.33,000.00
Multiplier	33,000x16 = Rs.5,28,000.00
Loss of dependence	Rs.20,000.00
Loss of consortium	Rs.20,000.00
Loss of love and affection	Rs.20,000.00
Loss to estate	Rs.20,000.00
Funeral expenses	Rs.30,000.00

The deceased is son of claimant Ram Kishan. He was in the age group of 21-25 years. In the light of judgments of Hon'ble the Supreme Court ***Sarla Verma & Ors vs. Delhi Transport Corp.& Anr, 2009 (3) RCR (Civil) 77, Munna Lal Jain and anr. vs. Vipin Kumar Sharma and Ors., 2015 (3) SCC (Civil) 315*** and ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270*** admissible multiplier would be 18. The claimant shall be entitle to addition in income for future prospects at the rate of 40%.

The Tribunal has assessed income of the deceased at Rs.4,400.00 per month. Taking a clue from the notification issued by the

State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.4,700.00 per month. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. In this manner, loss of dependency is at Rs.7,10,640.00 (Rs.10,15,200.00 *i.e* Rs.4,700 x 12 x 18 + Rs.4,06,080 (40% addition) – Rs.7,10,640.00 (50% deduction)).

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimant shall be entitle to Rs.70,000.00, detailed hereunder:-

Loss of consortium for the father	Rs.40,000.00
Expenses of funeral/last rites	Rs.15,000.00
Loss to estate	Rs.15,000.00

Total compensation is Rs.7,80,640.00 and additional amount is Rs.1,42640.00 (Rs.7,80,640.00 – Rs.6,38,000.00) payable with interest at the rate of 7.5% per annum from the date of petition till realization except for the period of delay of 192 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

10.10.2018
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