

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

220

FAO No.5689 of 2015 (O&M)

Date of decision: 10.10.2018

PARAMJIT KAUR AND ORS

... Appellants

Versus

MANOHAR DESHMUKH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Vivek Goel, Advocate for the appellants.

None for respondent No.3.

REKHA MITTAL, J. (Oral)

CM-17916-CII-2015

Prayer in this application is for condonation of delay of 159 days in filing the appeal.

In view of averments made in the application supported by an affidavit of Smt. Paramjit Kaur, one of the claimants coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 159 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 Jharmal Singh in a motor vehicular accident that took place on 22.05.2012.

The Tribunal has awarded compensation of Rs.7,85,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.6000/-
2. Multiplier	16
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.7,68,000/-
5. Expenses on funeral	Rs.2000/-

6. Loss of consortium
- Rs.5000/-
7. Loss of love and affection
- Rs.10,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. The application for compensation has been filed by the widow, two minor children and mother of the deceased, therefore, admissible deduction for personal expenses would be 1/4th. The deceased was in the age bracket of 36-40, accordingly, multiplier of 15 is admissible. In this manner, loss of dependency is calculated at Rs.11,34,000/- [(Rs.6000 x 12 x 15) + (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.1,50,000/-, detailed hereunder:-

1. Loss of consortium to claimants No.1 to 3
- Rs.1,20,000/-
- (Rs.40,000/- to each of them)
2. Funeral expenses
- Rs.15,000/-
3. Loss to estate
- Rs.15,000/-

Total compensation is Rs.12,84,000/- and the additional amount is Rs.4,99,000/- (12,84,000 - 7,85,000), payable with interest @7.5% per annum from the date of petition till realization except for the period of delay of 159 days in filing the appeal. The additional amount shall be shared by claimants No.1 to 3 in the ratio 25:30:45. The amount falling to share of minors shall be invested in fixed deposits payable on their attaining age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

10.10.2018
ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No