IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO 7543 of 2014 (O&M)
Date of decision: 09.05.2018

Ranveer and another ....*Appellants*

Versus

Sanjay Singh and others ....*Respondents*

Coram: **Hon'ble Mrs. Justice Rekha Mittal**

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Present: Mr.J P Sharma, Advocate
for the appellants
Mr. Manjeet Singh, Advocate for
Mr. Sanjeev Gupta, Advocate
for respondents No. 1 and 2

None for respondent No. 3

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Rekha Mittal, J. (Oral)

CM 20199 CII of 2014

Prayer in this application is for condonation of delay of 337 days in filing the appeal.

In view of averments made in the application supported by an affidavit of one of the applicants and arguments advanced, the application is allowed and delay of 337 days in filing the appeal stands condoned subject to condition that in case the appellants succeed in appeal, they will forgo interest for the period of delay.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of their son Ravi in a motor vehicular accident that took place on the intervening night of 17/18.06.2011.

The Tribunal has awarded compensation of Rs.3,44,000.00, detailed hereunder:-

Annual notional income of the deceased	Rs.15,000.00
Multiplier	18
Deduction	Nil
Loss of dependency	Rs.2,70,000.00
Medical expenses	Rs.54,000.00
Loss of love and affection	Rs.10,000.00
Funeral expenses	Rs.10,000.00
Total	**Rs.3,44,000.00**

The Tribunal has held in para 20 of the award that the deceased was 18 years old at the time of occurrence. There is nothing on record suggestive of fact that deceased had any disability to impair his capacity to work and earn livelihood for his family. Taking a clue from minimum wage of an unskilled labour and available at the relevant time, income of the deceased is assessed at Rs.4,500.00 per month. The multiplier adopted by the Tribunal is correct and affirmed. The claimants shall be entitled to addition in income for future prospects at the rate of 40% and deduction for personal expenses would be 50%. In this manner, loss of dependency is calculated at **Rs.6,80,400.00** (Rs.9,72,000.00 *i.e.* 4,500 x 12 x 18 + Rs.3,88,800.00 (40% addition in income) – Rs.6,80,400.00 (50% deduction)). A sum of Rs.54,000.00 for medical expenses allowed by the Tribunal is affirmed.

Under conventional heads compensation awarded by the Tribunal is modified to the effect that the claimants shall be entitled to Rs.30,000.00, in the light of judgment of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017***

SC 1270, detailed hereunder:-

Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation comes to Rs.7,64,400.00 (Rs.6,80,400.00 + Rs.30,000.00 + Rs.54,000.00) and additional amount is Rs.4,20,400.00 (Rs.7,64,400.00 – Rs.3,44,000.00), 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 337 in filing the appeal. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

09.05.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No