

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

-.-

FAO 6007 of 2015 (O&M)
Date of decision: 16.01.2018

Bimla Devi and another

..... Appellants

Versus

Harbans Singh and others

.....Respondent(s)

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr.Rajesh Bansal, Advocate
for the appellants

Mr. Vinod Gupta, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

CM 18956 CII CII of 2015

Prayer in this application is for condoning delay of 208 days in filing the appeal.

In view of averments made in the application supported by an affidavit of one of the appellants namely Bimla Devi and arguments advanced by counsel for the parties, the application is allowed and delay of 208 days in filing the appeal stands condoned, subject to condition that in case, the appellants succeed in appeal, they will forgo interest for the delayed period.

Main case

The unfortunate parents of Kashmir Singh who died at the age of 28 years are in appeal seeking enhancement of compensation.

The Tribunal has assessed compensation of Rs.29,62,500.00, detailed hereunder:-

Annual income of the deceased after deducting income tax	Rs.3,50,000.00
Increase in income for future prospects	30% i.e. Rs.1,00,500.00
Deduction for personal expenses	50%
Multiplier	13
Loss of dependency	Rs.2,27,500 x 13 = Rs.29,57,500.00
Expenses of transportation and funeral	Rs.5,000.00

Counsel for the appellants has submitted that Kashmir Singh (deceased) was working as Constable in Punjab Police, posted in District Fatehgarh Sahib. As he was 28 years old, admissible increase in income for future prospectus should be 50% and appropriate multiplier 17, in the light of judgment of Hon'ble the Supreme Court in ***Sarla Verma and others v. Delhi Transport Corporation and another 2009(3) R.C.R. (Civil) 77.*** Adequate compensation may be allowed under conventional heads.

Counsel for the insurance company has supported the award.

The Tribunal has allowed increase in income for future prospects to the extent of 30%. The deceased was a government employee and died at the age of 28 years. The claimants shall be entitled to increase in income for future prospects to the extent of 50%. As the deceased was 28 years, admissible multiplier is 17. In this view of the matter, loss of dependency comes to Rs.44,62,500.00 (Rs.59,50,000.00 i.e. Rs.3,50,000.00 x 17 + Rs.29,75,000.00 (50% future prospects) – Rs.44,62,500.00 (1/2th deduction).

Under conventional heads, claimants shall be entitled to Rs.30,000.00 i.e. Rs.15,000.00 for funeral expenses and Rs.15,000.00 for

loss of estate.

Total compensation comes to Rs.44,92,500.00 (Rs.44,62,500.00 - Rs.30,000.00) and additional amount is Rs.15,30,000.00 (44,92,500.00 - Rs.29,62,500.00), 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 208 days to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

16.01.2018
mohan bimbura

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