

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

-.-

FAO 5447 of 2016 (O&M)
Date of decision: 07.08.2018

Baby Rani

..... Appellant

Versus

Dinesh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Arun Sharma, Advocate
 for the appellant

Mr. Suman Jain, Advocate
for respondent No. 3

-.-

Rekha Mittal, J. (Oral)
CM 18843-CII of 2016

Prayer in this application is for condoning delay of 102 days in filing the appeal.

In view of averments made in the application supported by an affidavit of the applicant/appellant and arguments advanced by counsel for the parties, the application is allowed and delay of 102 days in filing the appeal stands condoned, subject to condition that in case, the applicant/appellant succeeds in appeal, she will forgo interest for the period of delay.

Main case

The claimant is in appeal seeking enhancement of compensation on account of death of Harbans Lal in a motor vehicular accident that took place on 13.01.2012.

The Tribunal has assessed compensation of Rs.9,41,000.00,
detailed hereunder:-

Monthly income of the deceased	Rs.6,000.00
Deduction for personal expenses	1/3 rd
Multiplier	17
Loss of dependency	Rs.8,16,000.00
Loss of consortium	Rs.1,00,000.00
Funeral expenses	Rs.25,000.00

The Tribunal has not allowed benefit of increase in income for future prospects at the rate of 40%, admissible in the light of latest judgment of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SC 1270*. Income of the deceased, multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency is calculated at Rs.11,42,400.00 (Rs.12,24,000.00 i.e. 6,000 x 12 x 17 + Rs.4,89,600.00 (40% future prospects) – Rs.5,71,200.00 (1/3rd deduction)).

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

Loss of consortium to widow	Rs.40,000.00
Expenses of funeral and last rites	Rs.15,000.00
Loss of estate	Rs.15,000.00

Total compensation comes to Rs.12,12,400.00 (Rs.11,42,400.00 + Rs.70,000.00) and additional amount is Rs.2,71,400.00 (Rs.12,12,400.00 - Rs.9,41,000.00), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay, to be shared by the claimants in the ratio of 40:60.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

07.08.2018
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No