

In the High Court of Punjab and Haryana at Chandigarh

FAO- 5594 of 2016(O&M)  
Date of Decision: 11.12.2018

Smt. Hakiman and another

---Appellants

versus

Sahabudin and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Chetan Kapoor, Advocate  
for Mr. Ashish Gupta, Advocate  
for the appellants  
Mr. Sanjeev Goyal, Advocate,  
for the insurance company

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Rekha Mittal, J.

CM No. 19193-CII of 2016

Prayer in this application is for condoning delay of 136 days  
in filing the appeal.

In view of averments made in the application supported by  
affidavit of appellant No. 2 coupled with that provisions of the Motor  
Vehicles Act for grant of compensation are benevolent social legislation to  
save the victim family from financial loss caused due to accident, the  
application is allowed, delay of 136 days in filing the appeal stands  
condoned subject, however, to the condition that in case the compensation  
is enhanced, the applicants-appellants shall not be entitle to interest for the  
period of delay.

Application stands disposed of accordingly.

FAO No. 5594 of 2016

The claimants are in appeal seeking enhancement of

compensation on account of death of Aisa in a motor vehicular accident that took place on 17.7.2010.

The Motor Accidents Claims Tribunal, Gurgaon (in short “the Tribunal”) in an application filed under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”) has awarded compensation of Rs.2,32,500/-, detailed hereunder:-

|                                  |                        |
|----------------------------------|------------------------|
| Loss of services of the deceased | Rs. 18,000/- per annum |
| Deduction for personal expenses  | 1/3 <sup>rd</sup>      |
| Loss of dependency               | Rs. 2,28,000/-         |
| Funeral expenses                 | Rs. 2,000/-            |
| Loss of estate                   | Rs. 2500/-             |

The deceased was 19 years old daughter in law of the claimants. Taking a clue from minimum wage available at the relevant time coupled with that a house maker has multifarious duties to perform, value of services of the deceased is assessed at Rs. 3300/- per month. After deducting 1/3<sup>rd</sup> for personal expenses and applying multiplier of 16 in the light of formula laid down in the 2<sup>nd</sup> Schedule appended to Section 163-A of the Act, loss of dependency is calculated at Rs.4,22,400/- [3300 x 12 x 16=6,33,600 – 2,11,200(1/3<sup>rd</sup>)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to sum of Rs. 2000/- towards funeral expenses only.

Total compensation is Rs. 4,24,400/- and the additional amount is Rs. 1,91,900/-(4,24,400-2,32,500), payable with interest @ 7.5% per annum from the date of petition till realization, in terms of the award except for the period of delay of 136 days 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

11.12.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No