

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

211

FAO No.8264 of 2014 (O&M)

Date of decision: 02.05.2018

CHANDER KALAN AND ORS

... Appellants

Versus

SATBIR SINGH @ BILLU & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amit Singla, Advocate for the appellants.

Mr. Pardeep Kumar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.22365-CII and CM No.22366-CII of 2014

Prayer in these applications is for condonation of delay of 258 days in re-filing and 422 days in filing the appeal.

In view of averments made in the applications coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, applications are allowed and delay of 258 days in re-filing and 422 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 Chhottu Ram in a motor vehicular accident that took place on 21.03.2010.

The Tribunal has awarded compensation of Rs.6,68,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	16
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.6,48,000/-
5. Expenses on last rites	Rs.5000/-
6. Loss of consortium	Rs.15,000/-

Counsel for the appellants would inform that appeal filed by the insurance company FAO No.1451 of 2013 has been dismissed by this Court vide order dated 23.09.2013. Prayer for enhancement of compensation has been made by raising two fold submissions. Claimants are entitled to benefit of future prospects @ 40% and adequate compensation under conventional heads.

Counsel representing the insurance company has supported the award with the submission that adequate compensation has been allowed. He has prayed that all other terms and conditions of the award may be kept intact.

Claimants are entitled to future prospects @ 40% in the light of latest judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**. In this manner, loss of dependency comes to Rs.9,07,200/- (Rs.4500 x 12 x 16) + (40% future prospects) – (1/4th deduction for personal expenses).

Under conventional heads, claimants shall be entitled to Rs.70,000/-, detailed hereunder:-

1. Loss of consortium	Rs.40,000/-
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.9,77,200/- and the additional amount is Rs.3,09,200/- (9,77,200 – 6,68,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 258 days in re-filing and 422 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

All other terms and conditions of the award shall remain intact.

(REKHA MITTAL)
JUDGE

02.05.2018

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Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No