

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

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FAO No.7932 of 2015 (O&M)

Date of decision: 07.12.2018

KUMKUM AND ORS

... Appellants

Versus

CHANDAN SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Rajneesh Malhotra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-24943-CII-2015

Prayer in this application is for condonation of delay of 1419 days in filing the appeal.

In view of averments made in the application supported by an affidavit of appellant No.1 coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 1419 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 Raj Pal in a motor vehicular accident that took place on 21.11.2009.

The Tribunal has awarded compensation of Rs.6,38,150/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	17
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.6,12,000/-
5. Medical expenses	Rs.19,150/-
6. Expenses on funeral	Rs.2000/-
7. Loss of consortium	Rs.5000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. As the deceased was 32 years old, admissible multiplier is 16. In this manner, loss of dependency is calculated at Rs.8,06,400/- [(4500 x 12 x 16) + (40% future prospects) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.1,50,000/-, detailed hereunder:-

1. Loss of consortium to claimants No.1 to 3	Rs.1,20,000/- (Rs.40,000/- each)
2. Expenses on last rites	Rs.15,000/-
3. Loss to estate	Rs.15,000/-

A sum of Rs.19,150/- for medical expenses is affirmed.

Total compensation is Rs.9,75,550/- and the additional amount is Rs.3,37,400/- (9,75,550 - 6,38,150), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 1419 days in filing the appeal, to be paid to claimants in the ratio 25:35:40. The amount falling to share of minors shall be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

07.12.2018

ashok

(REKHA MITTAL)
JUDGE

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