

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

222

FAO No.9699 of 2014 (O&M)

Date of decision: 24.08.2018

BIMLA AND ORS.

... Appellants

Versus

SATPAL AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. Ravinder Phogat, Advocate for respondent No.1.

Mr. Pradeep Kumar, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.26813-CII of 2014

Prayer in this application is for condonation of delay of 302 days in filing the appeal.

Reply to the application for condonation of delay filed on behalf of respondent-insurance company in the Court, is taken on record.

In view of averments made in the application supported by an affidavit of Smt. Bimla, widow of the deceased coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 302 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 Balbir Singh in a motor vehicular accident that took place on 25.07.2011.

The Tribunal has awarded compensation of Rs.5,87,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.4500/-
2. Multiplier	14
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.5,67,000/-
5. Loss of consortium	Rs.20,000/-

The deceased was 45 years old, in view of his age recorded in postmortem report Ex.P2. The Tribunal has assessed his income at Rs.4500/- per month by treating him as a labourer. Taking a clue from the notification issued by the State of Haryana with regard to minimum wage at the relevant time, income of the deceased is assessed at Rs.4650/- per month. Claimants shall be entitled to addition in income for future prospects @ 25%. Deduction for personal expenses and multiplier adopted by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.7,32,375/- [(Rs.4650 x 12 x 14) + (25% 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.8,02,375/- and the additional amount is Rs.2,15,375/- (8,02,375 - 5,87,000), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay, to Rohit (minor), to be invested in fixed deposit till he attains the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

24.08.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No