

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

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FAO No.8109 of 2016 (O&M)

Date of decision: 27.04.2018

MANDEEP KAUR AND ORS

... Appellants

Versus

KULDEEP CHAND AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Pankaj Katia, Advocate for the appellants.

Mr. Rajesh K. Sharma, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-26914-CII-2016

Prayer in this application is for condonation of delay of 1198 days in filing the appeal.

In view of the averments made in the application supported by affidavit of Mr. Pankaj Katia, Advocate coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 1198 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 Roshan Singh in a motor vehicular accident that took place on 31.01.2012.

The Tribunal has awarded compensation of Rs.8,40,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.5000/-
2. Multiplier	18
3. Deduction for personal expenses	1/4 th

4. Loss of dependency	Rs.8,10,000/-
5. Funeral, last rites & transportation expenses	Rs.20,000/-
6. Loss to estate	Rs.5000/-
7. Loss of consortium	Rs.5000/-

Counsel for the claimants would pray for enhancement of compensation by allowing benefit of future prospect and adequate compensation under conventional heads.

Counsel for the insurance company has supported the award.

The deceased was 23 years old. Claimants shall be entitled to benefit of future prospects @ 40%. Income of the deceased, multiplier and deduction for personal expenses allowed by the Tribunal are affirmed. In this manner, loss of dependency comes to Rs.11,34,000/- (Rs.5000 x 12 x 18) + (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 to estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-

Total compensation is Rs.12,04,000/- and the additional amount is Rs.3,64,000/- (12,04,000 – 8,40,000), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 1198 days.

The appeal is partly allowed in the aforesaid terms.

27.04.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No