

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

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FAO No.4277 of 2017 (O&M)

Date of decision: 17.09.2018

MAHABIR SINGH AND ORS

... Appellants

Versus

SONU KUMAR AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Abhimanyu Batra, Advocate for the appellants.

Mr. M.B. Jain, Advocate and
Mr. Sachin Ohri, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-13315-CII-2017

Prayer in this application is for condonation of delay of 454 days in filing the appeal.

In view of averments made in the application supported by an affidavit of Sh. Mahabir Singh, one of the claimants coupled with that the provisions of Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 454 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 Smt. Santra on account of sustaining injuries in a motor vehicular accident that took place on 02.08.2013 but she passed away on 09.04.2014.

The Tribunal has awarded compensation of Rs.10,10,000/-, detailed hereunder:-

- | | |
|---|-----------|
| 1. Monthly loss of services of the deceased | Rs.7000/- |
| 2. Multiplier | 13 |

3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.8,19,000/-
5. Expenses on last rites	Rs.20,000/-
6. Loss of love and affection	Rs.1,00,000/-
7. Loss of estate	Rs.8000/-
8. Medical expenses	Rs.62,586/- (rounded of to Rs.63,000/-)

Counsel for the appellants would urge that the Tribunal has wrongly allowed deduction for personal expenses. Compensation for medical expenses to the tune of Rs.63,000/- is on lower side as the deceased remained under treatment from the date of accident i.e. 02.08.2013 till death on 09.04.2014, for a period of more than 8 months.

Counsel representing the insurance company has submitted that compensation allowed under conventional heads needs reduction in the light of judgment of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270**.

Deduction for personal expenses allowed by the Tribunal is liable to be set aside when examined in the light of Division Bench judgment of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730**. Value of services of the deceased and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,92,000/- (7000 x 12 x 13).

Under conventional heads, claimants shall be entitled to Rs.55,000/-, detailed hereunder:-

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

So far as plea of the claimants with regard to reimbursement of medical expenses, the same is based upon bills of the value of Rs.62,586/- (rounded of to Rs.63,000/-). Accordingly, the same is affirmed.

Total compensation is Rs.12,10,000/- and the additional

amount is Rs.2,00,000/- (12,10,000 - 10,10,000), payable with interest @7.5% per annum from the date of petition till realization except for the period of delay of 454 days in filing the appeal.

The appeal is partly allowed in the aforesaid terms.

17.09.2018
ashok

(REKHA MITTAL)
JUDGE

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