

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

FAO No. 169 of 2016(O&M)

Date of decision: 8.2.2019

Avtar Singh and others

.....Appellants

VERSUS

Ajaib Singh @ Jaiba and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Kushagra Mahajan, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

CM No.5382-CII of 2017

Prayer in this application is for condoning delay of 127 days
in filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit of Avtar Singh – appellant No.1, the application is allowed. Delay
of 127 days in filing the appeal stands condoned, subject to the condition
that in case the appellants succeed in appeal, they will forgo interest for the
period of delay.

Disposed of accordingly.

FAO No.169 of 2016

Insurance company has failed to cause appearance despite
service.

There is no representation on behalf of respondents No.1 and 2 as well who have been served.

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Jalandhar (in short 'the Tribunal') on account of death of Smt. Harminder Kaur in a motor vehicular accident that took place on 01.09.2012.

The Tribunal has assessed compensation of Rs.4,13,000/- detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Deduction for personal expenses	1/3 rd
Multiplier	6
Loss of dependency	Rs2,88,000/-
Loss of consortium to the husband	Rs.1,00,000/-
Funeral expenses	Rs.25,000/-

Deduction for personal expenses made by the Tribunal cannot be allowed to sustain and is set aside. In this context, reference can be made to judgment of Division Bench of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730.** The deceased was 54 years old at the time of death and as such multiplier of 11 is admissible when examined in the light of judgment of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77.** In this manner, loss of dependency comes to Rs.7,92,000/- (Rs.6000 x 12 x 11).

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.55,000/- detailed hereunder:-

Loss of consortium to the husband	Rs.40,000/-
Funeral expenses	Rs.15,000/-

In view of the above, total compensation is Rs.8,47,000/- and the additional amount is Rs.4,34,000/- (Rs.8,47,000/- - Rs.4,13,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization except for the period of delay of 127 days in filing the appeal, payable to husband of the deceased. All other terms and conditions of the award shall remain intact.

The appeal is partly allowed in the aforesaid terms.

FEBRUARY 8, 2019

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no