

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

212

FAO No.479 of 2016 (O&M)

Date of decision: 30.05.2019

KAILASHO AND ORS

... Appellants

Versus

KEWAL SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ajay Aggarwal, Advocate for the appellants.
Mr. DP Gupta, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-1437-38-CII-2016

Prayer in these applications is for condonation of delay of 236 days in refiling and 283 days in filing the appeal.

In view of averments made in the applications coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, applications are allowed and delay of 236 days in refiling & 283 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 Naresh in a motor vehicular accident that took place on 14.06.2012.

The Tribunal awarded Rs.23,99,320/-, detailed hereunder:-

1. Annual income of the deceased	Rs.1,96,460/-
2. Multiplier	16
3. Deduction for personal expenses	1/4 th
4. Loss of dependency	Rs.23,64,320/-
5. Expenses on funeral	Rs.5000/-
6. Loss of estate	Rs.5000/-
7. Loss of love and affection and consortium	Rs.25,000/-

Claimants shall be entitle to addition in income for future prospects @ 40%. Income of the deceased, multiplier and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.33,00,528/- [(1,96,460 x 16)

+ (40% future prospects) – (1/4th deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle 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.33,70,528/- and the additional amount is Rs.9,71,208/- (33,70,528 - 23,99,320) payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 236 days in refiling and 283 days in filing the appeal, to widow and children of the deceased, in equal ratio. The amount falling to share of minors shall be invested in fixed deposit payable on their attaining majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

30.05.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No