

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

227

FAO No.4959 of 2016 (O&M)

Date of decision: 10.05.2019

SARABJIT KAUR AND ORS

... Appellants

Versus

LIBRA BUS SERVICE & ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.

Mr. RN Singal, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-16983-CII-2016

Prayer in this application is for condonation of delay of 305 days in filing the appeal.

In view of averments made in the application supported by an affidavit of counsel for the appellant coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 305 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 Darshan Singh in a motor vehicular accident that took place on 13.10.2010.

The Tribunal awarded Rs.4,05,500/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3300/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.3,96,000/-
5. Expenses on funeral	Rs.2000/-
6. Loss of estate	Rs.2500/-
7. Loss of consortium	Rs.5000/-

The application for compensation has been filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') wherein the compensation is to be assessed on the basis of structured formula prescribed in Second Schedule appended thereto. The deceased was 38 years old and as

per the Second Schedule, admissible multiplier is 16. Income of the deceased and deduction for personal expenses applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.4,22,400/- [(3300 x 12 x 16) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is in complete consonance with the structured formula.

Total compensation is Rs.4,31,900/- and the additional amount is Rs.26,400/- (4,31,900 - 4,05,500), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay 305 days in filing the appeal, to widow of the deceased.

The appeal is partly allowed in the aforesaid terms.

10.05.2019

ashok

Whether speaking/reasoned:
Whether reportable:

(REKHA MITTAL)
JUDGE

Yes / No
Yes / No