

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

217

FAO No.5225 of 2016 (O&M)

Date of decision: 17.07.2019

BHANTI AND ORS

... Appellants

Versus

SHAMSHER SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amit Singla, Advocate for the appellants.
Ms. Alka Joshi, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.17697-CII of 2016

Prayer in this application is for condonation of delay of 314 days in filing the appeal.

In view of averments made in the application supported by an affidavit of appellant No.2-Gugan coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 314 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 Satbir in a motor vehicular accident that took place on 27.05.2014.

The Tribunal awarded Rs.10,93,296/- (rounded off to Rs.10,93,000/-), detailed hereunder:-

Monthly income of the deceased	Rs.8349/-
Multiplier	13
Deduction for personal expenses	1/3 rd
Loss of dependency	Rs.8,68,296/-
Expenses on funeral, transportation and last rites	Rs.25,000/-
Loss of consortium	Rs.1,00,000/-
Loss of love and affection	Rs.1,00,000/-

Claimants shall be entitle to addition in income for future prospects @ 25%. Multiplier and deduction for personal expenses applied

by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.10,85,370/- [(8349 x 12 x 13) + (25% future prospects) – (1/3rd 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/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited Vs. Pranay Sethi and Ors., 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**, 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.11,55,370/- and the additional amount is Rs.62,370/- (11,55,370 - 10,93,000), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 314 days, to widow of the deceased, to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

17.07.2019
ashok

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