

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

FAO No. 6668 of 2015(O&M)

Date of decision: 17.1.2019

Pushpa and others

.....Appellants

VERSUS

Shahnawaj Alam and others

.....Respondents

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Neeraj Khanna, Advocate for
 Mr. Yadvinder Pal, Advocate for the appellants.

Mr. Rajbir Singh, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

CM No.20714-CII of 2015

Prayer in this application is for condoning delay of 175 days
in filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit of Pushpa - appellant, the application is allowed. Delay of 175
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.6668 of 2015

The claimants are in appeal seeking enhancement of
compensation awarded by the Motor Accidents Claims Tribunal, Ropar (in

short 'the Tribunal') on account of death of Pappu in a motor vehicular accident that took place on 20.08.2014.

The Tribunal has awarded compensation of Rs.10,51,000/- detailed hereunder:-

Monthly income of the deceased	Rs.4500/-
Addition in income for future prospects	Rs.2000/-
Deduction for personal expenses	1/4 th
Multiplier	16
Loss of dependency	Rs.9,36,000/-
Loss of consortium	Rs.1,00,000/-
Funeral expenses	Rs.10,000/-
Transportation	Rs.5000/-

The plea of claimants is that the deceased was working as driver and earning Rs.15,000/- per month. The Tribunal has noticed that claimants have failed to establish income of the deceased at Rs.15,000/- per month. However, the deceased sustained injuries while driving Indigo Car bearing No.CH01-AG-5719 sufficient to show that he was a driver. Taking a clue from the minimum wage of a skilled worker available at the relevant time, income of the deceased is assessed at Rs.8150/- per month. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. In this manner, loss of dependency comes to Rs.16,43,040/- [Rs.15,64,800/- (Rs.8150 x 12 x 16) + Rs.6,25,920/- (40% addition towards future prospects) – Rs.5,47,680/- (1/4th deduction towards personal expenses)].

Under conventional heads, compensation awarded by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.70,000/- detailed hereunder:-

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

In view of the above, total compensation is Rs.17,13,040/- and the additional amount is Rs.6,62,040/- (Rs.17,13,040/- - Rs.10,51,000/-) 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 175 days in filing the appeal, to be shared by the claimants in equal ratio. The amount falling to share of minors shall be invested in fixed deposit by the Tribunal till they attain majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

JANUARY 17, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no