

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

-.-

FAO 5730 of 2016 (O&M)

Date of decision: 25.09.2019

Seema

.....Appellant

Versus

Rameshwar Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Sachin Ohri, Advocate
for the appellant
Mr. Ram Avtar, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

CM 19753 CII of 2016

Prayer in this application is for condonation of delay of 117 days in filing the appeal.

Heard.

In view of the averments made in the application supported by affidavit of applicant-Seema, the application is allowed and delay of 117 days in filing the appeal stands condoned, subject to condition that in case the appellant succeed in appeal, she will forego interest for the period of delay.

The application stands disposed of.

Main case

The claimant is in appeal seeking enhancement of compensation on account of death of Gautam in a motor vehicular accident that took place on 07.04.2013.

The Tribunal awarded Rs.1,54,500/-, detailed hereunder:-

-Annual income of the deceased	Rs.15,000/-
-Deduction for personal expenses	1/3 rd
-Multiplier	15
-Loss of dependency	Rs.1,50,000/-
-Funeral expenses	Rs.2,000/-
-Loss of estate	Rs.2,500/-

The deceased was 11 years old at the time of accident. The Tribunal has assessed his income being non-earning person @ Rs.15,000/- per annum, as provided in the Second Schedule appended to Section 163-A of the Motor Vehicles Act, 1988, invoked by the claimant for assessment of compensation. As such, income assessed by the Tribunal is correct and affirmed and so also the multiplier applied. However, no deduction for personal expenses would be made with regard to income of non-earning person. In this manner, loss of dependency is Rs.2,25,000/- (15,000 x 15).

Under conventional heads, compensation allowed by the Tribunal is correct and affirmed.

Total compensation is Rs.2,29,500/- and additional amount is Rs.75,000/- (2,29,500-1,54,500), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 117 days in filing the appeal.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

25.09.2019
Mohan Bimbura

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