IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 7381 of 2016(O&M)

Date of decision: 12.9.2019

Harbhajan Kaur and another …..Appellants

VERSUS

Jagdish and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Parveen Kataria, Advocate for the appellants.

Mr. Rajbir Singh, Advocate for the insurance company.

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REKHA MITTAL, J.(Oral)

CM No.25268-CII of 2016

Prayer in this application is for condoning delay of 98 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Harbhajan Kaur, appellant No.1, the application is allowed. Delay of 98 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.7381 of 2016

Respondents No.2 and 3 have been served but remain unrepresented. As a consequence, they are proceeded against ex parte.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Gurdaspur (in short 'the Tribunal') on account of death of Gurmit Singh in a motor vehicular accident that took place on 8.2.2015.

The Tribunal awarded Rs.37,92,319/- detailed hereunder:-

Monthly income of the deceased	Rs.24623/-
Addition in income for future prospects	50%
Deduction for personal expenses	50%
Multiplier	17
Loss of dependency	Rs.37,67,319/-
Funeral expenses	Rs.25,000/-

Counsel for the appellants would contend that multiplier applied by the Tribunal needs modification on the basis of date of birth of deceased recorded in matriculation certificate.

Counsel for the insurance company has fairly conceded that as per date of birth recorded in the matriculation certificate, the deceased was 23 years old at the time of unfortunate occurrence. The Tribunal should have given primacy to date of birth recorded in the matriculation certificate vis-à-vis age in postmortem report. In view of the above, admissible multiplier is 18. The other criteria adopted by the Tribunal for computing loss of dependency is correct and affirmed. In this manner loss of dependency is calculated at Rs.39,88,926/- [Rs.53,18,568/- (Rs.24623/- x 12 x 18) + Rs.26,59,284/- (50% towards future prospects) – Rs.39,88,926/- (50% deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.30,000/- detailed hereunder:-

Funeral expenses	Rs.15,000/-

Loss to estate	Rs.15,000/-

In view of the above, total compensation is Rs.40,18,926/- and additional amount is Rs.2,26,607/- (Rs.40,18,926/- - Rs. 37,92,319/-), payable with interest at the rate of 7.5% per annum from the date of petition till realization, to mother of the deceased to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

SEPTEMBER 12, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no