

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

-.-

FAO 7970 of 2016 (O&M)

Date of decision: 09.05.2019

Chander Rekha and another

.....*Appellants*

Versus

Shamsher and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Manoj Kumar Taya, Advocate
for the appellants

Mr. Sunil Kumar, Advocate
for respondent No. 4

-.-

Rekha Mittal, J. (Oral)

CM 26793 CII of 2016

Prayer in this application is for condonation of delay of 146 days in filing the appeal.

Heard.

In view of averments made in the application supported by affidavit of Shri Munish Kumar Singla, one of the applicants, the application is allowed and delay of 146 days in filing the appeal stands condoned, subject to condition that in case the appellants succeed in appeal, they will forego interest for the period of delay.

The application stands disposed of.

Main case

The claimants are in appeal seeking enhancement of

compensation on account of death of Vinod Kumar Singla in a motor vehicular accident that took place on 11.07.2014.

The Tribunal awarded Rs.16,65,072/- (rounded off to Rs.16,65,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.20,000/-
-Deduction for personal expenses	1/3 rd
-Multiplier	9
-Loss of dependency	Rs.14,40,072/-
-Loss of love and affection for claimants	Rs.1,00,000/-
-Loss of consortium to widow	Rs.1,00,000/-
-Funeral expenses/last rites/transport	Rs.25,000/-

The Tribunal has assessed income of deceased on the basis of income tax returns marked as exhibits on records and the same is affirmed. The appellants shall be entitle to addition in income for future prospects at the rate of 10%. Deduction for personal expenses and multiplier applied by the Tribunal are correct and affirmed. In this manner, loss of dependency is calculated at Rs.15,84,000/- (Rs.21,60,000/- i.e. 20,000/- x 12 x 9 + Rs.2,16,000/- (10% addition) – Rs.7,92,000/- (1/3rd deduction))

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that the claimants shall be entitle to Rs.70,000.00 (Rs.40,000.00 for loss of consortium, Rs.15,000.00 each qua loss to estate and funeral expenses), admissible in the light of judgments of Hon'ble the Supreme Court *National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270* and *Sebastiani Lakra and others vs. National Insurance Company Limited and another, 2018 AIR (SC)*

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Total compensation is Rs.16,54,000/- and compensation awarded by the Tribunal is slightly more than what has been calculated by this Court. As such, compensation awarded by the Tribunal is kept intact.

In view what has been discussed hereinabove, the appeal stands disposed of.

(Rekha Mittal)
Judge

09.05.2019
Mohan Bimbura

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