

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

-.-

FAO 2212 of 2017 (O&M)

Date of decision: 29.10.2019

Rekha Devi and others

.....Appellants

Versus

Ramesh and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: None for the appellants

Mr. Amit Jaiswal, Advocate
for respondent No. 2

-.-

Rekha Mittal, J. (Oral)

CM 7302 CII of 2017

Prayer in this application is for condonation of delay of 109 days in filing the appeal.

Heard.

In view of averments made in the application supported by affidavit of Smt. Rekha Devi, one of the applicants, the application is allowed and delay of 109 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 Kulbir Singh in a motor vehicular accident that took place on 29.04.2015.

The Tribunal awarded Rs.4,58,300/- in claim filed under Section 163-A of the Motor Vehicles Act, 1988 (in short, 'the Act'), detailed hereunder:-

-Monthly income of the deceased	Rs.3,300/-
-Deduction for personal expenses	1/3 rd
-Multiplier	17
-Loss of dependency	Rs.4,48,800/-
-Funeral expenses	Rs.2,000/-
-Loss of estate	Rs.2,500/-
-Loss of consortium	Rs.5,000/-

The Tribunal, in para 31 of the award, has noticed that as per driving licence mark-B, the deceased was born on 02.02.1986 and occurrence in question took place on 29.04.2015. Meaning thereby, the deceased was less than 30 years of age. In view of the Second Schedule appended to Section 163-A of the Act, admissible multiplier is 18. Accordingly, loss of dependency comes to Rs.4,75,200/- (Rs.7,12,800/- *i.e.* 3,300 x 12 x 18 - Rs.2,37,600/- (1/3rd deduction).

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

In view of the above, total compensation is Rs.4,84,700/- (4,75,200 + 2,000 + 2,500 + 5,000) and additional amount is Rs.26,400/- (4,84,700 - 4,58,300) payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 109 days in filing the appeal, to minor children of the deceased in equal ratio, to be invested in fixed deposit till they attain majority or for a period of three years,

whichever is later.

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

(Rekha Mittal)
Judge

29.10.2019
Mohan Bimbura

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