

In the High Court of Punjab and Haryana at Chandigarh

**FAO- 216 of 2018(O&M)
Date of Decision: 13.2.2019.**

Rajwinder Kaur and others

---Appellants

versus

Ravi Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Munish Raj Chaudhary, Advocate
for the appellants**

**Mr. Lalit Garg, Advocate,
for the insurance company**

Rekha Mittal, J.

CM No. 695 CII of 2018

Prayer in this application is for condoning delay of 135 days in filing the appeal.

In view of averments made in the application supported by affidavit of Rajwinder Kaur, appellant coupled with that provisions of the Motor Vehicles Act for grant of compensation are benevolent social legislation to save the victim family from financial loss caused due to accident, the application is allowed, delay of 135 days in filing the appeal stands condoned subject, however, to the condition that in case the compensation is enhanced, the applicants-appellants shall not be entitle to interest for the period of delay.

Disposed of accordingly.

Main case

The claimants are in appeal seeking enhancement of compensation on account of death of Harpal Singh in a motor vehicular accident that took place on 5.3.2014.

The Motor Accidents Claims Tribunal, Barnala (in short “the Tribunal”) has awarded compensation of Rs.16,85,000/-,detailed hereunder:-

Monthly income of the deceased	Rs. 15,000/-
Deduction for personal expenses	1/3 rd
Multiplier	13
Loss of dependency	15,60,000/-
Funeral expenses	Rs. 25,000/-
Loss of consortium	Rs. 1,00,000/-

Counsel for the appellants has asserted for enhancement of compensation by extending benefit of addition in income for future prospects and deduction for personal expenses to be 1/4th in place of 1/3rd applied by the Tribunal.

Counsel representing the insurance company, on the contrary, would submit that compensation allowed under conventional heads needs to be restricted to Rs. 70,000/- in the light of judgments of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270** and **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034**.

Claimants shall be entitle to addition in income for future prospects @ 25%. The application for compensation has been filed by the widow, two children and mother of the deceased, held to be dependent upon his earnings, thus, admissible deduction for personal and living

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