

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

FAO No. 5487 of 2017(O&M)

Date of decision: 12.7.2019

Sohanvir Singh and anotherAppellants

VERSUS

Satpal Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sham Lal Bhalla, Advocate and
Ms. Manpreet Ghuman, Advocate for the appellants.

Mr. Puneet Sharma, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM No.17653-CII of 2017

Prayer in this application is for condoning delay of 112 days
in filing the appeal.

Heard.

In view of averments made in the application supported by an
affidavit of Sohanvir Singh, the appellant, the application is allowed. Delay
of 112 days in filing the appeal stands condoned subject to the condition
that in case the appellants succeed in appeal, they will forgo interest for the
period of delay.

Disposed of accordingly.

FAO No.5487 of 2017

The parents of deceased Sunil Singh (arrayed as respondents
No.4 and 5 in application for compensation filed by the widow and minor
child of the deceased) are in appeal seeking enhancement of compensation

awarded by the Motor Accidents Claims Tribunal, Fatehgarh Sahib (in short 'the Tribunal') on account of death of Sunil Singh in a motor vehicular accident that took place on 07.05.2013.

The Tribunal awarded Rs. 12,48,200/- detailed hereunder:-

Monthly income of the deceased	Rs.7000/-
Deduction for personal expenses	Rs.1800/-
Multiplier	18
Loss of dependency	Rs.11,23,200/-
Funeral expenses	Rs.25,000/-
Loss of consortium to widow	Rs.1,00,000/-

The claimants shall be entitle to addition in income for future prospects at the rate of 40%. In this manner, loss of dependency comes to Rs.15,72,480/- [Rs.11,23,200/- (Rs.5200 x 12 x 18) + Rs.4,49,280/- (40% addition towards future prospects)]

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.70,000/- detailed hereunder:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-

In view of the above, total compensation comes to Rs.16,42,480/- and the additional amount is Rs.3,94,280/- (Rs.16,42,480/- - Rs.12,48,200/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization except for a period of delay of 112 days in filing the appeal.

The Tribunal apportioned compensation i.e. 40% each to the widow and minor daughter of the deceased and remaining 20% to parents

of the deceased. There is nothing on record suggestive of the fact that Sohanvir, father of the deceased was dependent upon his earning. That being so, 20% allowed to the parents shall actually be share of mother of the deceased. Out of additional amount, 90% is payable to the minor daughter of deceased and 10% to mother of the deceased. The amount falling to share of the minor shall be invested in fixed deposit by the Tribunal till she attains majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

JULY 12, 2019

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no