

FAO- 6933 of 2017 (O&M)
Date of Decision: 13.9.2019

Kirandeep Kaur and another

---Appellants

versus

Balkar Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Rekha Mittal, J.

Insurance company has been served but remains unrepresented.

CM No. 22486-CII of 2017

Prayer in this application is for condoning delay of 349 days in filing the appeal.

In view of averments made in the application supported by affidavit of the appellant No. 1 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 349 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 Jaswant Singh @ Jagtar Singh in a

motor vehicular accident that took place on 4.6.2015.

PARAMJIT KAUR SAINI
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I attest to the accuracy and
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The Motor Accidents Claims Tribunal, Barnala (in short “the Tribunal”) awarded Rs.8,93,000/-, detailed hereunder:-

Monthly income of the deceased	Rs. 6000/-
Deduction for personal expenses	1/3 rd
Multiplier	16
Loss of dependency	Rs. 7,68,000/-
Funeral expenses	Rs. 25,000/-
Loss of consortium	Rs. 1,00,000/-

The plea of the claimants is that deceased was working as salesman with Farm Track Tractor Company, Dhanaula Road Barnala at salary of Rs. 12,000/- per month. The claimants did not examine any witness from the said company to prove employment and income of deceased. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of deceased is assessed at Rs. 7000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses and multiplier applied are correct and affirmed. In this manner, loss of dependency is calculated at Rs.12,54,400/- $[7000 \times 12 \times 16 = 13,44,000 + 5,37,600 (40\%) = 18,81,600 - 6,27,200 (1/3^{\text{rd}})]$

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/-
Expenses on funeral	Rs. 15,000/-
Loss of estate	Rs. 15,000/-

Total compensation is Rs. 13,24,400/- and the additional amount is Rs. 4,31,400/- (13,24,400 -8,93,000), payable with interest @

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7.5% per annum from the date of petition till realization except for the period of delay of 349 days in filing the appeal, to be shared by the claimants in the ratio 30 :70. The amount falling to share of minor shall be invested in fixed deposit which shall not be paid until he attains majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

13.9.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No