

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

-.-

FAO 8299 of 2017 (O&M)

Date of decision: 22.07.2019

Krishan Chand and others

.....Appellants

Versus

Gulshan Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Ms Harshita, Advocate for
Mr. S S Behl, Advocate
for the appellants

Mr. Rajbir Singh, Advocate for
Mr. Sanjeev Goyal, Advocate
for respondent Insurance company

-.-

Rekha Mittal, J. (Oral)

CM 27282 CII of 2017

Prayer in this application is for condonation of delay of 1790 days in filing the appeal.

Heard.

In view of averments made in the application supported by affidavit of counsel for the applicants/appellants, the application is allowed and delay of 1790 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 Surinder Kaur in a motor vehicular accident that took place on 19.07.2009.

The Tribunal, in claim preferred under Section 163-A of the Motor Vehicles Act, 1988 (in short, 'the Act'), awarded Rs.2,50,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.3,000/-
-Deduction for personal expenses	1/3 rd
-Multiplier	10
-Loss of dependency	Rs.2,40,000/-
-Loss of consortium	Rs.5,000/-
-Funeral expenses	Rs.2,000/-

Taking into consideration minimum wage coupled with the fact that a house-maker has multifarious duties to perform, income of the deceased is assessed at Rs.3,300/- per month. As per post mortem report, the deceased was 52 years old. Accordingly, multiplier of '11' is admissible in the light of Second Schedule appended to Section 163-A of the Act. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. As such, loss of dependency is calculated at Rs.2,90,400/- (Rs.4,35,600/- i.e. $3,300 \times 12 \times 11$ - Rs.1,45,200 (1/3rd deduction)). Compensation allowed under conventional heads is correct and affirmed.

In view of the above, total compensation is Rs.2,97,400 and additional amount is Rs.47,400/- (2,97,400 – 2,50,000), payable with interest @ 7.5% per annum from the date of petition till realization except

for the period of delay of 1790 days.

In view of what has been discussed herein-above, the appeal is partly allowed.

(Rekha Mittal)
Judge

22.07.2019
Mohan Bimbura

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