

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

FAO No. 8658 of 2017(O&M)

Date of decision: 11.2.2019

Sayeed @ Sahil and others

.....Appellants

VERSUS

Shamsher Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Namit Khurana, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

CM No.28162-CII of 2017

Prayer in this application is for condonation of delay of 90 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Sajid- appellant No.4, the application is allowed and delay of 90 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.8658 of 2017

Mr. S.S. Sidhu, Advocate has caused appearance on behalf of respondent No.4.

The claimants are in appeal seeking enhancement of compensation awarded by Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (in short 'the Tribunal') on account of death of Farida

daughter of Sayeed @ Sahid in a motor vehicular accident that took place on 19.04.2015.

The Tribunal has awarded compensation of Rs.2,37,000/- detailed hereunder:-

Monthly income of the deceased	Rs.3000/-
Deduction for personal expenses	50%
Multiplier	9
Loss of dependency	Rs.1,62,000/-
Loss of love and affection	Rs.50,000/-
Expenses on last rites and transportation	Rs.25,000/-

As per plea of the claimants, Farida was doing labour work as well as household work earning Rs.10,000/- per month. Taking a clue from the notification issued by the State of Haryana fixing minimum wage at the relevant time, income of the deceased is assessed at Rs.5800/- per month. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. In view of age of deceased admissible multiplier is 18. In this context reference can be made to judgments of Hon'ble the Supreme Court **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, 2009 (3) RCR (Civil) 77; Munna Lal Jain and others versus Vipin Kumar Sharma and others, 2015(3) RCR (Civil) 447** and **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270**. In this manner, loss of dependency comes to Rs.8,76,960/- [Rs.12,52,800/- (Rs.5800 x 12 x 18) + Rs.,5,01,120/- (40% addition towards future prospects) – Rs.8,76,960/- (50% deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that appellants shall be entitled to Rs.30,000/- i.e. Rs.15000/- for funeral expenses and Rs.15000/- for loss to estate in the light of judgments of Hon'ble the Supreme Court **Pranay Sethi and others case** (supra) and **Sebastiani Lakra and others Vs. National Insurance Co. Ltd. and another, AIR 2018 SC 5034.**

In view of the above, total compensation comes to Rs.9,06,960/- and the additional amount is Rs.6,69,960/- (Rs.9,06,960/- - Rs.2,37,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization to father of the deceased to be invested in fixed deposit for a period of three years.

The appeal is partly allowed in the aforesaid terms.

FEBRUARY 11, 2019

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no