201-A C.M. No. 20558-CII-2019 in R.A. No. 163-2019 and 166-2018 in FAO No. 978-2006

JARNAIL KAUR AND ORS. v. HARJIT SINGH & ANR.

Present:- Mr. S.S. Salar, Advocate
for the applicant-appellants.

Mr. J.S. Toor, Advocate
for applicant/respondent No. 3

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C.M. No. 20558-CII-2019 in R.A. No. 163-2019

For the reasons mentioned in the application, delay of 488 days in filing of the review application is condoned.

The application stands disposed of accordingly.

R.A. No. 163-2019 and 166 of 2018 in FAO No. 978-2006

The present applications are for reviewing an order dated 27.04.2018 passed by this Court.

Learned counsel for the applicant/respondent No. 3 submits that date of birth of deceased was 07.09.1954 and he was working as agriculturist.

Learned counsel for the appellant has not disputed this fact. However, the appellants are also seeking review of order dated 27.04.2018 on the ground that there were 04 claimants and cut of $1/4^{th}$ should have been applied instead of $1/3^{rd}$.

After hearing learned counsel for the parties, the present review applications stand disposed of and the last 03 paras of order dated 27.04.2018 reads as under:-

"The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account. In the peculiar facts and circumstances of

the case, to meet the ends of justice, the compensation is hereby reassessed in view of the judgments passed by Hon'ble the Supreme Court in ***Sarla Verma and others vs. Delhi Transport Corporation and another****, 2009 (3) RCR (Civil) Page 77 and* ***National Insurance Company Limited Vs. Pranay Sethi and others,*** *Special Leave Petition (Civil) No.25590 of 2014 (decided on 31.10.2017) as under:-*

Sr. No.	***Heads***	***Calculations***
(i)	*Income*	*Rs.9500/- per month*
(ii)	*1000 deduction of income tax*	*Rs.8500/- per month*
(iii)	*30% of (i) above to be added as future prospects=*	*Rs.8500+Rs.2500=Rs.11050/- per month*
(iv)	*1/4th of (iii) deducted as personal expenses of the deceased=*	*Rs.11050-Rs.2762=Rs.8288/- per month*
(v)	*Compensation after multiplier of 13 is applied*	*Rs.8288 X 12 X 13= Rs.12,92,928/-*
(vi)	*Conventional heads (Loss of estate, consortium and funeral expenses)*	*Rs.70,000/-*
	Total Compensation awarded	*Rs.13,62,928/-*
	Enhanced amount of compensation	***13,62,928-06,00,000=Rs.07,62,928/-***

The enhanced amount of compensation of ***Rs.7,62,928/-*** *shall be payable within a period of two months from the date of receipt of certified copy of this order. The enhanced amount of compensation shall carry interest @ 7.5% per annum from the date of filing of the claim petition, till its realization, in view of the judgment of Hon'ble the Supreme Court in the case of "****Shri Nagar Mal and others V/s. The Oriental Insurance Company Ltd. and others in Civil Appeal No. 448 of 2018****. Remaining conditions of disbursal of amount shall remain unaltered. The enhanced amount will be disbursed to the claimants within a period of six months.*

Accordingly, the award stands modified to the above extent and the present appeal is allowed.

Further Registry of this Court is directed to transfer the amount of Rs.5,00,000/- to the Tribunal at Fatehgarh Sahib, which was deposited before this Court vide receipt No. 019 dated 28.09.2018 by learned counsel appearing for respondent No. 3."

(RITU BAHRI)
JUDGE

22.11.2019
G Arora