

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

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FAO No.3764 of 2016 (O&M)

Date of decision: 22.04.2019

UMA DEVI AND ORS

... Appellants

Versus

SUNEEL AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. RS Kundu, Advocate for the appellants.
Mr. Abhimanyu Batra, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

CM-12878-CII-2016

Prayer in this application is for condonation of delay of 135 days in filing the appeal.

In view of averments made in the application supported by an affidavit of appellant No.1 coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 135 days in filing the appeal is condoned subject to the condition that the claimants shall forgo interest for the period of delay, in case compensation is enhanced.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of Balbir Lal in a motor vehicular accident that took place on 30.11.2013.

The Tribunal awarded Rs.9,85,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.8000/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.9,60,000/-
5. Expenses on funeral	Rs.25,000/-

Claimants shall be entitle to addition in income for future prospects @ 25%. Income of the deceased and multiplier applied by the Tribunal are correct and affirmed. However, as application for compensation has been filed by the widow and four minor children of the deceased,

admissible deduction for personal expenses would be $\frac{1}{4}^{\text{th}}$. In this manner, loss of dependency is calculated at Rs.13,50,000/- $[(8000 \times 12 \times 15) + (25\% \text{ future prospects}) - (\frac{1}{4}^{\text{th}} \text{ deduction for personal expenses})]$.

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

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

Total compensation is Rs.14,20,000/- and the additional amount is Rs.4,35,000/- (14,20,000 - 9,85,000), payable with interest @ 7.5% per annum from the date of petition till realization, except for the period of delay of 135 days in filing the appeal, to minor claimants in equal ratio, to be invested in fixed deposit till they attain the age of majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

22.04.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No