

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

-.-

FAO 1825 of 2017 (O&M)

Date of decision: 18.09.2019

Shashi Bala and others

.....Appellants

Versus

Gurdev Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R K Shukla, Advocate
for the appellants

Mr. Varun Sharma, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

CM 6084 CII of 2017

Prayer in this application is for condonation of delay of 139 days in filing the appeal.

Heard.

In view of the averments made in the application supported by affidavit of Smt. Shashi Bala, one of the applicants, the application is allowed and delay of 139 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 Roshan Lal son of Nanak Chand in a motor vehicular accident that took place on 30.10.2012.

The Tribunal awarded Rs.13,59,000/-, detailed hereunder:

-Monthly income of the deceased	Rs.9,000/-
-Deduction for personal expenses	1/4th
-Multiplier	14
-Loss of dependency	Rs.11,34,000/-
-Loss of consortium	Rs.1,00,000/-
-Loss of love and affection	Rs.1,00,000/-
-Funeral expenses	Rs.25,000/-

Counsel for the insurance company would inform that the appeal filed by the insurance company to challenge quantum of compensation and findings of Tribunal on issue No. 1 was dismissed by a co-ordinate Bench on 11.07.2016, a copy of order passed in FAO No. 3196 of 2016 captioned ***Oriental Insurance Company Limited vs Shashi Bala and others*** was produced for perusal and appreciation of the Court.

The claimants shall be entitle to benefit of addition in income for future prospects @ 25%. Other criteria adopted by the Tribunal for computing loss of dependency is correct and affirmed. In this manner, loss of dependency is Rs.14,17,500/- [Rs.15,12,000/- i.e. 9,000 x 12 x 14 + Rs.3,78,000/- (25% addition in income) - Rs.4,72,500/- (1/4th deduction)].

Compensation allowed under conventional heads has already been affirmed by this Court in view of dismissal of appeal filed by the insurance company.

Total compensation is Rs.16,42,500.00 (Rs.14,17,500.00 + Rs.1,00,000.00 + Rs.1,00,000.00 + Rs.25,000.00) and additional amount is Rs.2,83,500.00 (Rs.16,42,500.00 – Rs.13,59,000.00), payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 139 days in filing the appeal, to minor children of the

deceased, to be invested in fixed deposit till they attain majority or for a period of three years, whichever is later.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

18.09.2019
Mohan Bimbra

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

