

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

246

FAO No.3381 of 2017 (O&M)

Date of decision: 11.02.2020

SUKHDEI & ANR

... Appellants

Versus

SUNIL & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellants.
Mr. Puneet Pali, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

CM No.11138-CII of 2017

Prayer in this application is for condonation of delay of 446 days in filing the appeal.

In view of averments made in the application supported by an affidavit of appellant No.2-Ram Chander coupled with that provisions of the Motor Vehicles Act, 1988 providing for compensation are benevolent social legislation, application is allowed and delay of 446 days in filing the appeal is condoned subject to the condition that claimants shall forgo interest for the period of delay, in case compensation is enhanced.

Main Case

The claimants are in appeal seeking additional compensation on account of death of Baljit in a motor vehicular accident that took place on 04.05.2014.

The Tribunal awarded Rs.3,05,000/-, detailed hereunder:-

Monthly income of the deceased	Rs.6000/-
Multiplier	5
Deduction for personal expenses	50%
Loss of dependency	Rs.1,80,000/-
Expenses on funeral	Rs.25,000/-
Loss of estate	Rs.1,00,000/-

The Tribunal has assessed income of the deceased at Rs.6000/- per month despite noticing that deceased had done M.Sc physics, evidenced by documents Exs.P3 to P6. Taking into consideration the educational qualification of the deceased when examined in the light of notification issued by the State of Haryana fixing minimum wage at the relevant time,

income of the deceased is assessed at Rs.8000/- per month. Claimants shall be entitle to addition in income for future prospects @ 40%. Deduction for personal expenses allowed by the Tribunal is correct and affirmed. However, admissible multiplier is 16 as the deceased was 32 years old at the time of his unfortunate death. In this manner, loss of dependency is calculated at Rs.10,75,200/- $[(8000 \times 12 \times 16) + (40\% \text{ future prospects}) - (50\% \text{ deduction for personal expenses})]$.

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.30,000/-, detailed hereunder:-

- | | |
|---------------------------|-------------|
| 1. Expenses on last rites | Rs.15,000/- |
| 2. Loss of estate | Rs.15,000/- |

Total compensation is Rs.11,05,200/- and additional amount is Rs.8,00,200/- $(11,05,200 - 3,05,000)$, payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 446 days in filing the appeal to mother of the deceased, to be invested in fixed deposit for a period of two years.

The appeal is partly allowed in the aforesaid terms.

11.02.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No