

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

FAO No. 5737 of 2017(O&M)

Date of decision: 24.1.2020

Johny Kumar and anotherAppellants

VERSUS

Anubhav Suri and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. G.C. Shahpuri, Advocate for the appellants.

Mr. Amit Kundra, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.18710-CII of 2017

Prayer in this application is for condoning delay of 193 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Johny, appellant No.1, the application is allowed. Delay of 193 days in filing the appeal stands condoned, subject to the condition that in case the appellants succeed in appeal, they will forgo interest for the period of delay.

Disposed of accordingly

FAO No.5737 of 2017

The claimants are in appeal seeking additional compensation on account of death of Smt. Sonu in a motor vehicular accident that took place on 26.08.2015.

The Tribunal awarded Rs.13,99,000/- detailed hereunder:-

Monthly loss of value of the deceased	Rs.6000/-
Multiplier	17
Loss of dependency	Rs.12,24,000/-
Expenses on funeral	Rs.25,000/-
Loss of consortium to the spouse	Rs.50,000/-
Loss of love and affection to claimant No.2	Rs.100000/-

The application for compensation has been filed by the husband and minor daughter aged 4 years left behind by the deceased. A house maker has multifarious duties to perform and is available to the family round the clock. As such, monthly value of services of the deceased is assessed at Rs.10,000/- per month. No deduction for personal expenses is admissible in the light of Division Bench of this Court **Paramjit Singh and another Vs. Dilbagh Singh @ Bagga and others, 2013(3) Law Herald 2730**. Multiplier allowed by the Tribunal is correct and affirmed. Accordingly, loss of dependency comes to Rs.20,40,000/- (Rs.10000/- x 12 x 17).

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.55,000/-, detailed hereunder:-

Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-

In view of the above, total compensation is Rs.20,95,000/- and additional amount is Rs.6,96,000/- (Rs.20,95,000/- - Rs.13,99,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, except for the period of delay of 193 days in filing

the appeal, to minor Navya, to be invested in Fixed Deposit till she attains majority or for a period of 3 years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

JANUARY 24, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no