

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

-.-

FAO 16214 of 2018 (O&M)

Date of decision: 12.02.2020

Hardev Singh and another

.....Appellants

Versus

Kamaljit Singh and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Gourav Goel, Advocate
for the appellants

Mr. Sanjeev Kodan, Advocate
for the insurance company

-.-

Rekha Mittal, J. (Oral)

CM 16214 CII of 2018

Prayer in this application is for condonation of delay of 156 days in filing the appeal.

Heard.

In view of averments made in the application supported by affidavit of Hardev Singh, one of the applicants, the application is allowed and delay of 156 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.

Disposed of.

Main case

The claimants are in appeal seeking additional compensation on account of death of Prabhdeep Singh in a motor vehicular accident that took place on 21.10.2015.

The Tribunal awarded Rs.10,02,000/-, details hereunder:-

-Monthly income of deceased	Rs.6,000/-
-Addition for future prospects	50%
-Deduction for personal expenses	50%
-Multiplier	18
-Loss of dependency	Rs.9,72,000/-
-Loss of estate	Rs.15,000/-
-Funeral expenses	Rs.15,000/-

The deceased was 17 years of age at the time of unfortunate occurrence. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time coupled with documents qua educational qualification and extra curricular activities in which deceased was involved, referred to in para 12 of award, income of deceased is assessed at Rs.8,000/- per month. The claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal and living expenses and multiplier applied are correct and affirmed. In this manner, loss of dependency is Rs.12,09,600/- (Rs.17,28,000/- i.e. 8,000 x 12 x 18 + Rs.6,91,200/- (40% addition) – Rs.12,09,600/- (50% deduction).

Under conventional heads, claimants shall be entitle to Rs.30,000.00 (Rs.15,000.00 each qua loss to estate and funeral expenses), in the light of judgments of Hon'ble the Supreme Court ***National Insurance Company Limited v. Pranay Sethi and others, 2017 SCC 1270*** and ***Sebastiani Lakra and others vs. National Insurance Company Limited***

and another, 2018 AIR (SC) 5034. Total compensation is Rs.12,39,600/- and additional amount is Rs.2,37,600/- payable with interest @ 7.5% per annum from the date of petition till realization except for the period of delay of 156 days in filing the appeal to mother of deceased, to be invested in fixed deposit for a period of two years.

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

(Rekha Mittal)
Judge

12.02.2020
Mohan Bimbura

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