

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

**CM-17304-CII-2022 in
RA-CR No.140 of 2022 in
FAO No.4863 of 2009
Date of decision : 21.09.2023**

Munesh Devi and others

....Applicants/appellants

Versus

Kirpal Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep Kotla, Advocate
for the applicants/appellants.

Mrs. Shamsher Kaur, Advocate
for respondent No.3-Insurance Company

PANKAJ JAIN, J.

Present application has been filed seeking review of the judgment dated 18th of April, 2022 passed by this Court.

2. Application seeking review is accompanied with the application filed under Section 5 of the Limitation Act seeking condonation of delay of 197 days in filing the review application.

3. First Appeal filed by the claimants seeking modification of the Award dated 10th of June, 2009 passed by the MACT Gurgaon in MACT Case No.76/07 was allowed observing as under :

“In view of the evidence on record the income of the appellant is taken to be Rs.8,000/- per month as proved by PW-5. In view of

the law laid down in National Insurance Company Ltd. Vs. Pranay Sethi and others 2017 (4) RCR (Civil) 1009, t he component of 40% future prospects further needs to be added keeping in view the age of the deceased. Multiplier of 15 has been rightly awarded. The claimants are further held entitled to the following:-

Sr.N	Head	Compensation
1	Loss of estate	Rs.15,000/-
2	Loss of consortium	Rs.40,000/-
3	Funeral expenses	Rs.15,000/-
4	Compensation on account of transport expenses.	Rs.5,000/-

In view of the aforesaid discussion, the award passed by the MACT., Gurgaon stands modified to the extent as stated hereinabove.

The total compensation shall be calculated accordingly.”

4. Dissatisfied with the judgment, the claimants approached Supreme Court by way of SLP No.33306 of 2022 which stands dismissed as withdrawn with the liberty to the petitioners to file review before the High Court limited to the aspect about the multiplier vide order dated 14th of November, 2022.
5. Present review application has been filed in terms of the aforesaid liberty granted by the Apex Court on 14th of November, 2022 and the same is delayed by 197 days.
6. For the facts as mentioned hereinabove this Court finds that the applicants/appellants have explained the delay caused in filing

the instant review application seeking review of judgment dated 18th of April, 2022 and have made out a sufficient cause for condoning the delay.

7. Resultantly, the application seeking condonation of delay (CM-17304-CII-2022) is allowed. Delay of 197 days in filing the review application is condoned.

8. It is not in dispute that as per the evidence on record the deceased was 29 years of age and thus in terms of law laid down in **'Smt. Sarla Verma & others vs. Delhi Transport Corporation & another' (2009) 6 SCC 121** as reiterated in **'National Insurance Company Limited vs. Pranay Sethi and others', (2017) 16 SCC 680** the claimants ought to have been awarded multiplier of 17 instead of 15. As a consequence thereof, judgment dated 18th of April, 2022 passed in FAO No.4863 of 2009 is modified to the extent that the claimants shall be entitled for multiplier of 17 instead of 15. Rest of the judgment dated 18th of November, 2022 shall remain intact.

9. Applicants/claimants shall be entitled for interest @ 7.5% as awarded by the Tribunal on the differential amount as well from the date of filing of the appeal till the date of actual realization.

10. Order dated 18th of November, 2022 is modified accordingly.

11. Review application is allowed in the aforesaid terms.

September 21, 2023
Dpr

(Pankaj Jain)
Judge

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