IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228.

C.M. No.20401-CII of 2023 in/and
RA-CR No.153 of 2023 in
FAO No.344 of 2017
Decided on:01.12.2023

Gurdeep Kaur and others ... Applicant/Appellants

Versus

Swaran Singh and others ... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yogesh Gupta, Advocate
for the applicant-appellant.

Mr. Rajneesh Malhotra, Advocate
for the non-applicant/respondent No.4.

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<u>HARPREET SINGH BRAR, J. (ORAL)</u>

<u>C.M. No.20401-CII of 2023</u>

Prayer in the instant application is for condonation of delay of 113 days in filing the review application.

For the reasons stated in the application, the same is allowed and delay of 113 days in filing the review application is condoned.

<u>RA-CR No.153 of 2023 in FAO No.344 of 2017</u>

1. The present review application has been filed seeking review of the order dated 06.06.2023 passed by this Court in FAO No.344 of 2017 on the ground that though this Court observed that 'Dearness Allowance' and 'House Rent Allowance' payable to the deceased should have been included for determining the income of the deceased, this Court assessed the gross salary of the deceased as ₹5,04,200/- as per the ITR for the assessment year 2014-2015 instead of ₹6,00,000/-. Further, the deceased being 40 years of age, multiplier of

15 ought to have been applied instead of 14. It is further contended that there is error apparent on the face of record and therefore, the order dated 06.06.2023 passed by this Court is liable to be reviewed.

2. Notice in the application.

3. Mr. Rajneesh Malhotra, Advocate, who is present in Court, accepts notice for the non-applicant/respondent No.4.

4. Heard.

5. A perusal of the order dated 06.06.2023 passed by this Court indicates that this Court though observed that House Rent Allowance and Dearness Allowance should have been included for determining income of the deceased, however, while computing the compensation took the income of the deceased as ₹5,04,240/- whereas it should be taken as ₹6,00,000/- minus tax of ₹18,046/-. Further the deceased being 40 years of age, the multiplier of 15 was to be applied instead of 14. Therefore, this Court is of the opinion that there is an arithmetical error in calculating the compensation, which is apparent on the face of record and the same is required to be corrected. Resultantly, the amount of compensation is re-assessed as under:-

Sr. No.	Head	Amount
1.	Annual Income	₹6,00,000/-
2.	Tax	₹18,046/-
3.	Income after deduction of tax (₹6,00,000 - 18,046)	₹5,81,954/-
4.	Future Prospects (25%)	₹1,45,488/-
5.	Loss of future income (₹5,81,954/- + 1,45,488/-)	₹7,27,442/-
6.	Deduction (1/3rd)	₹2,42,480/-
7.	Loss of dependency (₹7,27,442 - 2,42,480/-)	₹4,84,962/-
8.	Multiplier 15	₹72,74,430/-
9.	Loss of Estate	₹16,500/-
10.	Funeral Expenses	₹16,500/-
11.	Loss of Consortium (₹44,000x3)	₹1,32,000/-
12.	Litigation Expenses	₹25,000/-

13.	**Total amount of Compensation**	**₹74,64,430/-**

6. In view of the aforesaid, now the applicant-appellants shall be entitled to a compensation of ₹74,64,430/- instead of ₹58,62,268/-, which shall be paid to them as per the directions already issued by this Court vide order dated 06.06.2023.

7. In view of the above, the order dated 06.06.2023 passed by this Court is modified to the extent that amount of compensation be read as Rs.74,64,430/- instead of Rs.58,62,268/-.

8. The review application stands disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

December 01, 2023
Pankaj* Whether speaking/reasoned Yes/No
Whether reportable Yes/No