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

FAO-5393-2024 (O&M)
Date of decision : 06.08.2025

RAM SINGH AND OTHERS

....Appellant

Versus

TEJWANT SINGH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Ekta Thakur, Advocate and
Ms. Shikha, Advocate
for the applicants/appellants.

PANKAJ JAIN, J. (ORAL)

CM-20544-CII-2024

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 172 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicants/appellants have made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 172 days in filing the instant appeal is hereby condoned.

FAO-5393-2024 (O&M)

The appeal relates to claim petition filed by the claimants seeking compensation on account of death of Shakuntla, aged 70 years, in a motor-vehicular accident dated 14.11.2019.



2. The claimants are seeking enhancement of compensation.
3. The Tribunal while working out compensation payable to the claimants, observed as under:

“15. As has come in the deposition of PW-1, and as file shows, there is no evidence on behalf of claimants establishing that deceased ever was running any business of drycleaning and was earning Rs.15,000/- per month therefrom. In these circumstances the income of deceased housewife is assessed as Rs.11,000/- per month as has been held by our own Hon'ble High Court in different judgments. This contention is not opposed. Income of deceased is, hence, assessed accordingly as Rs.11,000/- per month. She was 70 years of age at the time of occurrence. Therefore, the annual dependency of claimants comes to Rs.1,32,000/- (11,000/- x 12). By virtue of judgment *Smt.Sarla Verma and Others Versus Delhi Transport Corporation and Anr, 2009(3) RCR (Civil) 77(SC)*, the multiplier of 5 is to be applied. Total compensation of claimants on this count comes to Rs.6,60,000/- (Rs.1,32,000/- x 5).

16. PW-1 proved receipt of publication charges as Ex.P-10 also. This amount concerns the effecting of service of pendency of this petition upon respondent No. 1. This Ex.P-10 is advertisement bill worth Rs.1,693/- which amount purportedly was directly deposited by the claimants with the Newspaper Publisher for effecting of such service on respondent No. 1 through publication. This amount at the most can be a part of decree/memo of costs and is not an evidence concerning alleged entitlement of compensation of claimants especially when this document has not arisen out of the alleged occurrence. During the course of arguments the learned counsel for claimants was confronted by the Court about as to how this document was exhibited as part of evidence that too by claimants. No explanation came forth. This amount of publication hence cannot be added to the alleged compensation amount.

17. In addition to said amount of Rs.6,60,000/-, the claimants are also entitled to Rs.16,500/- on account of funeral expenses and another amount of Rs.16,500/- on account of loss of estate of



- deceased, besides Rs.44,000/- for each of them for loss of consortium in view of judgments National Insurance Company Limited vs. Pranay Sethi and others , 2017(4) RCR (Civil) 1009 and New India Assurance Co.Ltd. Versus Somvati and others, 2020 ACJ 2321. Total of these amounts comes to Rs.8,25,000/- (Rs.6,60,000/-) + (Rs.16,500 x 2) + (44,000 x 3).”
4. Counsel for the appellants submits that the deceased Shakuntla was running family business i.e. dry-cleaning shop, still her income has been assessed that of a home-maker and the claim of the appellants w.r.t. earning of Rs.15,000/- by the deceased, has not been believed.
5. On being specifically asking w.r.t. any evidence regarding income earned by Mrs. Shakuntla, counsel for the appellants has fairly conceded that there is no such evidence on record.
6. In view of the aforesaid circumstances, this Court finds that the notional income assessed by the Tribunal of Rs.11,000/- does not warrant any interference. No deduction has been applied. Funeral expenses, loss of estate and loss of consortium, have been adequately granted.
7. Resultantly, finding no merit in the instant appeal, the same is ordered to be dismissed.
8. Pending application(s), if any, shall also stand disposed off.

August 06, 2025
Dpr

(Pankaj Jain)
Judge

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