

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 5823 of 2012 (O&M)
Date of Decision : 18.09.2015

Smt. Roshni Devi and anotherAppellants

Versus

Bhoodev Gargsy and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sagar Aggarwal, Advocate
for Mr. Ashit Malik, Advocate
for the appellants.

Mr. R.S. Sharma, Advocate
for respondent no. 2.

Surinder Gupta, J. (Oral)

Heard.

The claimants, who are in appeal against the award passed by the Motor Accidents Claims Tribunal, Sonipat, on their petition under Section 163-A of the Motor Vehicles Act, 1988 (for short "the Act"), for the death of Pawan Kumar in a motor accident, have assailed the award on the point of quantum of compensation.

Learned counsel for the appellants submits that though the Tribunal took into consideration the multiplier of 18 as mentioned in the 2nd Schedule under Section 163-A of the Act while calculating amount of compensation but instead of calculating the amount rightly, the Tribunal took the amount of compensation at ₹ 6,80,000/- as mentioned in the Schedule.

While referring to case of **Smt. Kishni Devi vs. Raja Ram @ Raj Kumar @ Rajnish Kumar and another (FAO No. 3096 of 2002)**

decided on 08.07.2014, learned counsel for the appellant argues that the amount of compensation allowed under the conventional head as mentioned in the Schedule should be doubled and relied

upon the observations of Hon'ble Supreme Court in case **Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443.**

Learned counsel for the respondents submits that the compensation has been allowed as per the 2nd Schedule as it was a petition under Section 163-A of the Act. The Tribunal was duty bound to follow the calculation as mentioned in the Schedule.

On perusal of the 2nd Schedule, it is evident that for the victim of age group of 20 to 25 years, the multiplier is 17 and by calculating the amount to dependency as per multiplier of 17 it works out to ₹ 6,80,000/- only, which has been rightly calculated by the Tribunal.

On the conventional head, a sum of ₹ 2000/- has been awarded towards funeral expenses and ₹ 2500/- towards loss of estate. Following the ratio of judgment in **Smt. Kishni Devi's case (supra)**, the same is doubled.

No other argument has been advanced by learned counsel for the appellant.

In view of the above, the appeal is accepted and amount of compensation under the conventional heads i.e. towards funeral expenses and loss of estate is enhanced from ₹ 2000/- to ₹ 4000/- and ₹ 2500/- to ₹ 5000/-, respectively. The claimants shall be entitled to the interest on the enhanced amount of compensation from the date of filing of the petition till the date of payment at the rate of 7.5% per annum as already allowed by the Tribunal.

September 18, 2015
jk

(SURINDER GUPTA)
JUDGE