

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

**FAO No.4065 of 2013 (O&M)
Date of decision: August 21, 2015**

GEETA & ORS

....Appellants

Versus

KAPTAN SINGH & ORS

....Respondents

CORAM: HON'BLE MRS JUSTICE LISA GILL

Present: Mr. Sandeep Goyat, Advocate
for the appellants.

Mr. Pankaj Mehta, Advocate
for respondents no.1 and 2.

Mr. G.D. Gupta, Advocate
for respondent No.3.

LISA GILL, J.(ORAL)

Instant appeal has been filed by the claimants i.e. widow, minor children and mother of the deceased-Rama Nand claiming enhancement of compensation awarded by learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as the 'Tribunal') on account of death of Rama Nand.

As per averments in the claim petition filed under Section 163-A of the Motor Vehicles Act by the claimants, Rama Nand met with an accident on 30th May, 2016 on account of rash and negligent driving of the offending vehicle i.e. Jeep bearing registration No.HR-31A/0283.

Learned counsel for the appellants impugns the award only to the extent of a wrong multiplier having been applied. He submits that a multiplier of 17 should have been applied as per Schedule II of the Act as

the deceased was 35 years of age.

Learned counsel for the respondents fairly accept that multiplier of 17 as provided in Schedule II of the Act has to be applied. It is to be noted that the Tribunal has awarded total compensation of ₹3,09,500/-, details being as under:-

<i>Loss of dependency</i>	3,00,000/-
<i>Funeral expenses</i>	2,000/-
<i>Loss of estate</i>	2,500/-
<i>Loss of consortium</i>	5,000/-
<i>Total</i>	3,09,500/-

Keeping in view the facts and circumstances of the case and the fair stand taken by learned counsel for the respondents, compensation is reassessed by applying a multiplier of 17. Income of the deceased after applying a deduction of 1/3rd is accepted as ₹20,000/- per annum. Thus, compensation is assessed as ₹3,40,000/- (₹20,000/- x 17). Claimants are thus entitled to compensation as under:-

<i>Loss of dependency</i>	3,40,000/-
<i>Funeral expenses</i>	2,000/-
<i>Loss of estate</i>	2,500/-
<i>Loss of consortium</i>	5,000/-
<i>Total</i>	3,49,500/-

Amount of compensation paid shall be deducted from the enhanced amount. Interest at the rate of 7.5% on the enhanced amount shall accrue to the claimants from the date of filing of the claim petition till realization with the abovesaid modification in the impugned award, appeal is disposed of.

August 21, 2015
m. sharma

(LISA GILL)
JUDGE