

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

**FAO No.3921 of 2015(O&M)
DECIDED ON : August 10, 2015**

Rajinder Kaur and others

.....Appellants.

VERSUS

Labh Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE K. KANNAN.

PRESENT:- Mr. Surjit Singh Swaich, Advocate for the appellants.

K. KANNAN, J.

C.M. No. 12197-CII of 2015

This is an application filed under Section 5 of the Limitation Act for condoning the delay of 21 days in filing the appeal.

For the reasons stated in the application, the delay of 21 days in filing the appeal is condoned.

The application stands disposed of.

FAO No.3921 of 2015

1. The appeal is for enhancement of compensation filed by the claimants-appellants under Section 163-A of Motor Vehicles Act, 1988(for brevity "the Act").

2. The Court below has provided for specified amounts for love and affection, funeral expenses, loss to estate etc. The Court has conformed to the said assessment properly as mentioned in Schedule II and I find no error in assessing the compensation in the manner set forth.

3. The Counsel for the appellants/claimants refers to me to the decision of the Supreme Court in **Puttama and others Vs. K.L. Naryana Reddy and another, 2014(1) R.C.R. (Civil) 443**, where the Supreme Court was holding the Second Schedule was made in 1994 and the same has now become redundant due to cost of living and current rate of inflation and increased life expectancy and direction had been given to the Central Government to make the amendments to the Second Schedule. The Court was making the modification providing for compensation of ₹1,00,000/- for children up to the age of 05 years and ₹1,50,000/- for children who is more than 05 years old. As per the said judgment, it does not provide for any other modification. Where there is requirement of having to find the circumstances that gave place to an accident and to prove negligence, Section 163-A of the Motor Vehicles Act makes no compulsion for proving negligence. We are confronting here a case of a person who is aged about 21 years and the Court has applied multiplier of 17 in the manner specified in Schedule II of the Act.

4. I find no error in the order passed by the Court below. It is affirmed and the appeal petition is dismissed.

10.08.2015

ANJAL

**(K. KANNAN)
JUDGE**