

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2139 of 2013 (O&M)
Date of Decision : 18.11.2016

Karamjit Kaur and others

....Appellants

Versus

Sukhbir Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for appellants.

Mr. R.C. Gupta, Advocate
for respondent no. 2-Insurance Company.

Surinder Gupta, J.

Claimants seek enhancement of compensation awarded by the Motor Accident Claims Tribunal, Patiala (later referred to as 'the Tribunal') on their petition under Section 163-A of the Motor Vehicles Act, 1988 for death of Rajinder Singh (later referred to as 'the deceased') in a motor vehicle accident with Hero Honda motorcycle bearing registration no. PB-11-AN-3848 (later referred to as 'the offending vehicle')

2. The deceased was 43 years of age and the Tribunal took his notional income as ₹3300/- per month. However, while deducting 1/3rd of income towards his personal expenses, remaining income was calculated as ₹2000/- per month instead of ₹2200/- per month. The multiplier of 15 applied by the Tribunal is as per Second Schedule. The Tribunal also allowed compensation of ₹5000/- towards loss of consortium, ₹2000/- for funeral expenses and ₹2500/- for loss of estate.

3. Counsel for appellants did not appear but keeping in view that

this is an appeal by claimants seeking enhancement of compensation, I have perused the paper-book and record of the Tribunal with the assistance provided by learned counsel for respondent no. 2-Insurance Company and proceed to decide the appeal on merit.

4. The mistake in calculation regarding income of the deceased has been fairly pointed out by learned counsel for respondent no. 2. The accident in this case took place on 06.04.2011. Second Schedule under Section 163-A of the Motor Vehicles Act was incorporated in the Act in 1994 and by now prices of daily need and the price index has gone very high. Even the Apex Court has repeatedly given directions to Government of India to amend this Schedule. The Tribunal has awarded compensation for the funeral expenses, loss of consortium and loss of estate etc. as per amount prescribed in the Second Schedule. However, keeping in view the steep rise in prices, the amount of compensation towards loss of consortium is enhanced to ₹10,000/-, for funeral expenses to ₹5000/- and for loss of estate to ₹5000/-.

5. The total amount of compensation to which claimants are entitled works out as follows:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculation</i>
(i)	Age of the deceased	43 years
(ii)	Income of the deceased	₹3300 per month
(iii)	1/3 rd of (ii) above deducted towards personal expenses	(₹3300- ₹1100)= ₹2200 per month
(iv)	Amount of dependency after applying the multiplier of 15	(₹2200x12x15)= ₹396000
(v)	Compensation towards loss of consortium	₹10000

(vi)	Compensation towards funeral expenses	₹5000
(vii)	Compensation towards loss of estate	₹5000
<i>Total</i>		₹416000

6. As a sequel of my discussion above, this appeal is accepted and compensation allowed to claimant is enhanced from ₹3,69,500/- to ₹4,16,000/-. The enhanced amount of compensation will carry interest @ 7.5% per annum from the date of filing of claim petition till actual realization. Amount of enhanced compensation shall be shared by claimants-appellants no. 1 to 5 as follows:-

- (i) Claimant no. 1-wife = 40%
- (ii) Claimants no. 2 & 3 (children) = 20% each
- (ii) Claimants no. 4 & 5 (parents) = 10% each

7. In the event of demise of any of the claimants before or after passing of award, compensation of his/her share shall be paid to surviving claimants.

8. Respondent no. 2-Insurance Company being insurer of the offending vehicle will deposit the enhanced amount of compensation in bank accounts of claimants or pay the same to them through demand drafts.

November 18, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No