

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

FAO No.2436 of 2013

Date of decision : 06.12.2016

Rainy and others

.....Appellants

Versus

Tarlok Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Harsh Manocha, Advocate for
Mr. Ajay Pal Singh, Advocate for appellants.

Mr. Subhash Goyal, Advocate for
respondent-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred against the award dated 25.01.2013 passed by learned Motor Accidents Claims Tribunal, Patiala (hereinafter called the “Tribunal”) whereby the claim petition filed by the appellants-claimants under Section 163-A of the Motor Vehicles Act, 1988 (for short the “Act”) for grant of compensation on account of death of Bhupinder Singh @ Bhinda due to the injuries suffered by him on account of motor vehicular accident which took place on 05.09.2010 has been partly allowed and they have been awarded compensation to the tune of ₹ 4,89,500/-.

2. The present appeal has been preferred by the appellants-claimant for enhancement of the amount of compensation.

3. Learned counsel for the appellants-claimants contended that the compensation awarded by the learned Tribunal is inadequate. He contended that the learned Tribunal has not awarded appropriate amount towards loss of consortium and loss of love and affection to the children. Even the income of the deceased has been taken to be on the lower side. Thus, he pleaded that just amount of compensation has not been awarded.

4. On the other hand, learned counsel for the respondent-Insurance Company contended that the compensation has been correctly calculated by the learned Tribunal as per the structured formula provided in the Second Schedule. There is no scope for further enhancement of the amount of compensation.

5. I have duly considered the aforesaid contentions.

6. The present claim petition has been preferred by the appellants-claimants under Section 163-A of the Act. It is the settled principle of law that the compensation in a claim petition filed under Section 163-A of the Act is to be computed as per the structured formula provided in the Second Schedule appended to the Act. Reference can be made to cases ***Oriental Insurance Company Limited Vs. Meena Variyal and others 2007(2) RCR (Civil) 698, Bajaj Allianz General Insurance Company Limited Vs. Sonu and another 2016(3) PLR 701 and Ram Partap and others Vs. Chandigarh Transport Undertaking and others 2016(3) Law Herald 2426.***

7. The learned Tribunal has computed the compensation

exactly as per the structured formula appended to the Act. The compensation for conventional heads *i.e.* on account of funeral expenses, loss to estate and loss of consortium has also been awarded strictly as per the Second Schedule.

8. The plea raised by learned counsel for the appellants-claimants that the income of the deceased has been taken less, carries no substance as even in the claim petition the claimants have pleaded the income of the deceased to be ₹3300/- per month, which has been taken into consideration by the learned Tribunal.

9. Thus, keeping in view my aforesaid discussion, there is no scope of any enhancement of the amount of compensation.

10. Resultantly, the present appeal is without any merits and the same is hereby dismissed.

06.12.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No