

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

FAO No.1211 of 2015 (O&M)

Date of decision : 06.12.2016

Bhagwati and others

.....Appellants

Versus

Sanjay Sharma and another

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sunil Saharan, Advocate for appellants.

Mr. Narender Kaajla, Advocate for respondent No.1.

Ms. Vandana Malhotra, Advocate for
respondent No.2-Insurance Company.

DARSHAN SINGH, J.

CM-3271-CII-2015

Heard. In view of the reasons mentioned in the application, same is allowed and the delay of 135 days in filing the present appeal is hereby condoned.

Main Appeal

The present appeal has been preferred against the award dated 07.04.2014 passed by learned Motor Accidents Claims Tribunal, Hisar (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

Balbir due to the injuries suffered by him on account of motor vehicular accident which took place on 05.01.2013 has been partly allowed and they have been awarded compensation to the tune of ₹4,70,300/-.

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

9. 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