

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

**FAO No. 4849 of 2014 (O&M)
Date of decision: 28.01.2016**

Smt. Gurmeet Kaur and others

... Appellants.

versus

Amarbir Singh Gill and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ishaan Singh Cooner, Advocate for the appellants.

Mr. Harkaran Singh, Advocate for
Mr. B.S. Bhalla, Advocate for respondent Nos. 1 & 2.

Mr. Punit Jain, Advocate for respondent No.3.

K.Kannan, J. (ORAL)

The appeal is against the award passed by the Tribunal in claim made under Section 163-A of the Motor Vehicles Act. The deceased was said to be 60 years of age who proved to be 64 on reference to the post mortem certificate who while driving a motor vehicle dashed against the stationary truck and died. The accident took place on 25.05.2012 and after the treatment in 3 hospitals he ultimately succumbed to the injuries on 31.05.2012. The court took the income at Rs. 3,300/- made a deduction of 1/3rd and applied the multiplier of 5 to arrive at compensation of Rs. 1, 41,500/-. The petitioner is aggrieved that the Tribunal has not provided adequately for loss of consortium and for loss of love and affection for the children in the manner contemplated in Rajesh and others Vs. Rajbir Singh and others, 2013 (9) SCC 54.

If a claim is made under Section 163-A, there is no deviation possible except to the extent provided by Hon'ble Supreme

Court itself in case of claimants on behalf of minor children where the Court had allowed for certain deviations. In all other situations, the compensation will abide by what is set out in the 2nd schedule. The petitioner is also aggrieved that medical expenses for treatment for a period of 6 days before his death has not been considered. I take the best as possible under Section 163-A to provide the maximum of Rs. 15,000/-. I take the provision for loss to estate, funeral expenses and love and affection at Rs. 9,500/- and by applying the amount as suggested in 2nd Schedule, the compensation payable would be Rs. 95,500/-. The Tribunal has already awarded Rs. 1, 41,500/- much more than what the Schedule has provided. The petitioner must thank himself for the award that has already passed and ought not to vex the Court with needless appeal.

The appeal is dismissed with above observations.

(K.KANNAN)
JUDGE

28.01.2016

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