

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

FAO No.4036 of 2015 (O&M)
Decided on: 08.04.2016

United India Insurance Co.

.... Appellant

versus

Sonu & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. Vinod Chaudhri, Advocate
for the appellant.

K.Kannan

As per office report, respondents No.1 to 5 have been served. Respondent No.6 has been served through sister-in-law. Therefore, service is deemed to be sufficient. Service upon respondent No.7 is dispensed with.

The point urged in appeal is that the claim under Section 163 A of the Motor Vehicle Act, 1988 (for short the Act) the Tribunal has allowed in excess sum in the manner provided in ***Rajesh vs. Rajbir Singh, 2013(9) SCC 54.*** For a claim under Section 163 A of the Act, the claim for loss of consortium, loss of estate and funeral expenses under Schedule II could not be more than Rs.9,500/- in aggregate. The Tribunal has provided Rs.1 lac for loss of consortium, Rs.1 lac for loss of estate and Rs.25,000/- for funeral expenses. It is an excess by Rs.2,15,500/-. The claimants were awarded Rs.49,130/- on account of medical expenses whereas permissible amount is Rs.15,000/- under Section 163 A of the Act. Consequently, there is an excess of Rs.34,130/- towards medical expenses.

The Tribunal award has to be modified and the excess amount of Rs.2,49,630/- (Rs.2,15,500/- (+) Rs.34,130/-) is to be

deducted and the award to that extent stands extinguished and set aside.

The award is modified and the appeal filed by the insurance company is allowed to the above extent.

April 08, 2016
sonia

(K. KANNAN)
JUDGE