

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

FAO No. 4995 of 2015 (O&M)
Date of decision: April 6, 2016

Iffco Tokio General Insurance Co. Ltd.

...Appellant

Versus

Smt. Suman and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Yogesh Gupta, Advocate,
for the appellant.

Mr. Ravinder Phogat, Advocate,
for respondents No. 1 to 5.

Mr. Virendra Rana, Advocate,
for respondent No. 6.

K. KANNAN, J. (Oral)

1. The only point urged is that in an application filed under Section 163 of the Motor Vehicle Act (for short '**the Act**'), the Tribunal, has applied scales of compensation as provided in Rajesh and others Versus Rajbir and others 2013 (9) SCC 54 for the loss of consortium, funeral expenses etc. There is no scope for making provision for even 15% increase which will take the income over ₹40,000/- which is the ceiling for claim under Section 163A of the Act. The award of the Tribunal is erroneous, for, it has applied the rules which cannot be applied to the claim under Section 163-A of the Act. I will re-work the compensation on the basis that he was

earning ₹3,300/- per month as taken by the Tribunal, apply for 1/3rd deduction for personal expenses and applying a multiplier of 15, the loss of dependence would be ₹3,96,000/-. To add to this amount shall be a provision for loss of estate at ₹2,000/- and funeral expenses at ₹2500/-, the total compensation payable shall be ₹4,00,500/-. The apportionment shall be in the same manner as provided by the Tribunal and there shall be proportionality reduced to the amount determined now. This will carry interest @ 9% per annum from the date of filing the petition till payment. Any amount paid by the insurer shall be adjusted to the that amount is now assessed.

2. The amount of compensation shall stand modified and the appeal is allowed to the above extent.

April 6, 2016
prem

(K.KANNAN)
JUDGE