

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

FAO-2502-2012 (O&M)
Date of decision: 27.11.2017

Wakilla and others

.... Appellants

Versus

Daud and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.J.S.Hooda, Advocate
for the appellants.

Mr. D.K.Prajapati, Advocate for
Mr. R.S.Madan, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 09.04.2011 passed by Motor Accidents Claims Tribunal, Nuh Mewat (hereinafter referred to as the 'Tribunal').

On 10.01.2008, Arif, aged 18 years, lost his life in a motor vehicular accident, involving a dumper bearing registration No.HR-27J-0286. As a result of the accident, he died on the spot.

The claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by the legal heirs of the deceased.

The Tribunal awarded a sum of Rs.2,69,000/- along with interest @ 6% per annum.

Aggrieved of the said award, the present appeal has been filed for enhancement of compensation.

I have heard the learned counsel for the parties and perused the paperbook.

Learned counsel for the appellants has argued that the Tribunal has not calculated the compensation as per IIInd Schedule of the Act.

Learned counsel for respondent No.3 has also the same grievance that the Tribunal has not granted compensation as per IIInd Schedule of the Act rather awarded Rs.5,000/- for funeral expenses which is more than as mentioned in the Schedule.

Since the grievance of both the parties is common that the calculation has not been made according to the IIInd Schedule of the Act, the compensation is recalculated afresh as per IIInd Schedule and taking the monthly income Rs.3,000/- as assessed by the Tribunal as both the parties have not disputed the monthly income of the deceased. Recalculation of compensation is as under :-

<i>Annual income</i>	<i>Rs.36,000/-</i>
1/3 rd deduction for consideration of expenses for maintaining himself	Rs.12,000/-
Dependency	Rs.24,000/-
Applying multiplier of 16	Rs.24000x16=Rs.3,84,000/-
Funeral expenses	Rs.2,000/-
Loss of estate	Rs.2500/-
Total	Rs.3,88,500/-

The award dated 09.04.2011 is modified to the extent that the amount awarded by the Tribunal of Rs.2,69,000/- is enhanced to Rs.3,88,500/-.

The claimants shall be entitled to enhanced amount along with

interest @ 6% per annum from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

27.11.2017

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1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No