

FAO No.1382 of 2015 (O&M) and  
FAO No.2311 of 2015 (O&M)

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

FAO No.1382 of 2015 (O&M)  
Date of decision: 12.09.2017

Surinder Kaur and another ...Appellants

Versus

Gurpreet Bus Service and others ...Respondents

FAO No.2311 of 2015 (O&M)

National Insurance Co. Ltd. ...Appellant

Versus

Rekha and others ...Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Arvind Kashyap, Advocate  
for the appellants in FAO No.1382 of 2015.

Mr. Paul S. Saini, Advocate  
for the Insurance Company.

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**REKHA MITTAL, J. (Oral)**

**CM No.3850-CII-2015**

Heard.

For the reasons stated in the application, the same is allowed.

Delay of 03 days in filing the present appeal is hereby condoned.

**Main Cases**

This order will dispose of FAO Nos.1382 and 2311 of 2015 as

these have emerged out of the same award dated 15.10.2014 passed by the Motor Accidents Claims Tribunal, Fatehgarh Sahib (hereinafter to be referred as 'the Tribunal').

Counsel for the appellants has submitted that compensation assessed by the Tribunal is on lower side and needs enhancement. It is further argued that the Tribunal has not adopted appropriate multiplier nor allowed compensation under conventional heads in the light of judgments of Hon'ble the Supreme Court.

Counsel representing the insurance company, on the contrary, would urge that findings recorded by the Tribunal on issue No.1 are erroneous and liable to be set aside. In the alternative, it is argued that no interference in the assessment of compensation is warranted as the Tribunal has assessed compensation in consonance with the structured formula laid down in Second Schedule appended to Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act').

I have heard counsel for the parties, perused the paper book particularly the award dated 15.10.2014.

So far as plea of the insurance company to assail findings of the Tribunal on issue No.1 is concerned, perusal of the award would reveal that the Tribunal, on the basis of materials on record, has rightly recorded a finding that Vikas Kumar (deceased) sustained injuries out of use of Bus No.PB-13-Q-7571 and motor cycle No.PB-12-L-0122. In this view of the

matter, contention raised by counsel for the insurance company is not meritorious and liable to be rejected.

The Tribunal has assessed income of deceased-Vikas Kumar at Rs.3300/- per month, deducted 1/3<sup>rd</sup> for personal expenses and applied a multiplier of 17 to compute loss of dependency at Rs.4,48,800/-. In addition, an amount of Rs.2,000/- towards funeral expenses and Rs.5,000/- for loss of consortium has been awarded making total compensation to Rs.4,55,800/- payable with interest @7% per annum from the date of petition till realization. Counsel for the claimants has failed to point out if the Tribunal has committed any error in applying formula provided for in the Second Schedule appended to Section 163-A of the Act. As the claimant filed application for compensation under Section 163-A of the Act, she cannot assert any claim on the basis of judgments passed by the Apex Court dealing with grant of compensation under Section 166 of the Act. In this view of the matter, I do not find any reason to interfere in the assessment made by the Tribunal.

For the foregoing reasons, the appeals fail and are accordingly dismissed.

No order as to costs.

12.09.2017  
*ashok*

**(REKHA MITTAL)**  
**JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No