IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3913 of 2014 (O&M)
Date of Decision: 11.10.2017

Saroj Devi and others

...Appellant(s)

Versus

Subhash Singh and another

... Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.R. Yadav, Advocate
for the appellants.

Mr. Rajesh Sharma, Advocate
for respondent No.2.

ANITA CHAUDHRY, J.

This is the claimants appeal for enhancement of the award dated 21.01.2014 passed by the Motor Accident Claims Tribunal, Narnaul.

The petition was filed under Section 163-A of the Motor Vehicles Act. Anil Kumar (since deceased) met with an accident on 08.03.2013. His income was pleaded to be Rs.3,300/- per month. Since Saroj Devi has stated that her husband was learning the work of preparing ornaments, the income was taken at Rs.3,200/- and after deducting 1/4th amount, the monthly dependency was taken as Rs.2,400/-. Applying the multiplier of 14, the compensation was calculated at Rs.4,03,200/-. Over this amount, Rs.10,000/- was allowed for loss of consortium and for loss of love and affection, Rs.10,000/- on account of funeral expenses. An award of

Rs.4,23,200/- was passed.

I have heard learned counsel for both the parties,

The submission on behalf of the appellants is that an addition towards future prospects should have been made and a higher income should have been taken. Counsel further contends that the amount allowed on the miscellaneous heads is on the lower side and Rs.1 lac should have been allowed for loss of love and affection and Rs.1 lac for loss of consortium and Rs.25,000/- for funeral expenses.

The counsel appearing for the Insurance Company urges that as per IInd Schedule attached to the Motor Vehicles Act, the correct multiplier should have been 15 and considering the age, the deduction should be 1/3rd instead of 1/4th and the compensation has already been awarded in excess. The counsel further submits that as per the IInd Schedule, a sum of Rs.2,500/- should have been allowed for loss of estate and Rs.5,000/- for loss of consortium and Rs.2,000/- for funeral expenses and if the calculations are made by applying a cut of 1/3rd and using the multiplier of 15 and allowing the amount on the miscellaneous heads as per the IInd Schedule, the compensation that was payable would be Rs.3,93,500/-. The counsel submits that they did not file an appeal as the difference in the amount was less and they would have spent more amount by filing appeal.

The petition was filed under Section 163-A. As per IInd Schedule the deduction should have been 1/3rd and the multiplier would be 15 and the compensation would come to Rs.3,84,000/-. The Tribunal had wrongly applied the multiplier and had awarded excess amount on the miscellaneous heads. If the compensation had been awarded as per IInd Schedule the compensation could not have been more than Rs.3,93,500/-. As there is no appeal by the other side, therefore, I am not inclined to make any change.

No case for addition is made out. The appeal is dismissed.

(ANITA CHAUDHRY)
October 11, 2017 **JUDGE**
ps-I

Whether Reasoned/Speaking **Yes/No**
Whether Reportable **Yes/No**