

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

**FAO No. 4677 of 2013 (O&M)
Date of Decision: July 12, 2017**

Poonam @ Kiran and others

..Appellant(s)

Versus

Bablu @ Harinder and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Abhimanyu Singh, Advocate
for the appellants.

Mr. Rakesh Dhiman, Advocate
for respondent no.1.

Mr. M.B. Jain, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

This is the claimants' appeal seeking enhancement in the award dated 22.03.2013, passed by the Motor Accident Claims Tribunal, Gurgaon in a petition filed under Section 163-A of the Motor Vehicle Act.

Counsel for the appellants contends that the income of the deceased had been taken as Rs.3,300/- per month which should have been Rs.5,000/- per month. He also urges that the amount allowed for the funeral, consortium and love & affection is on the lower side.

On the other hand, counsel for the insurance company urges that the claimants had pleaded that the income was Rs.3,300/- per month and the petition had been filed under Section 163-A of the Motor Vehicle Act and the evidence was led with respect to this income, therefore, the appellants to now say that the income was Rs.5,000/- per month is absurd and if so then the claim petition should have been dismissed. He also urges that the amount allowed on the miscellaneous heads was as per schedule.

The claim petition had been filed under Section 163-A of the Motor Vehicle Act. There is a cap and only those whose income is less than Rs.40,000/- per annum can file a petition under Section 163A Motor Vehicle Act. The claimants had pleaded that the income was Rs.3,300/- per month. The claim was allowed and the compensation on the miscellaneous heads was allowed as per second schedule appended to the Motor Vehicle Act.

There is no merit in the appeal. The appeal is dismissed.

July 12, 2017

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No