

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

FAO-7696-2014 (O&M)
Date of decision: 27.11.2017

KANWALJIT KAUR & ORS

...Appellants

Versus

DIRECTOR M/S KMC CONSTRUCTION & ANR

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Amit Gupta, Advocate for
Mr. Vipin Mahajan, Advocate
for the appellants.

None for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation in regard to death of Amrik Singh in a motor vehicular accident that took place on 22.01.2012.

The Tribunal has assessed compensation to the tune of Rs.4,14,600/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3200/-
2. Deduction for personal expenses	1/3 rd
3. Multiplier	16
4. Loss of dependency	Rs.4,09,600/- (Rs.25,600 x 16)
5. Funeral expenses	Rs.5000/-

Counsel for the appellants has submitted that compensation assessed by the Tribunal is on lower side and needs enhancement. It is argued that the Tribunal has not allowed compensation for consortium to the widow and loss of estate.

There is no representation of behalf of the insurance company.

The application for compensation was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act'). The compensation is required to be assessed on the basis of structured formula envisaged in Second Schedule appended to Section 163-A of the Act. Under the circumstances, claimants are entitled to compensation for loss of dependency by applying multiplier of 17 as the deceased was more than 30 years but less than 35 years of age. In this manner, loss of dependency comes to $\text{Rs.}3200 \times 12 \times 17 - 1/3^{\text{rd}} = \text{Rs.}4,35,200/-$.

Under conventional heads, claimants shall be entitled to following compensation:-

1. Funeral expenses	Rs.2000/-
2. Loss of consortium to the widow	Rs.5000/-
3. Loss of estate	Rs.2500/-
Total	Rs.9500/-

The total compensation comes to Rs.4,44,700/- and the additional amount is Rs.30,100/- (4,44,700 – 4,14,600) payable with interest @ 7.5% per annum from the date of petition till realization to minor son of the deceased, to be deposited in FDR payable on his attaining age of

majority or for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

27.11.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No