In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 9064 of 2014
Date of Decision: 26.7.2017

Davinder Kaur ......Appellant

Versus

Iffco Tokoi General Insurance Company Ltd. and others ....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Gulzar Mohd., Advocate for the appellants.

Mr. Ankur Gupta, Advocate for respondent No. 1.

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ANITA CHAUDHRY, J

This is the claimant's appeal seeking enhancement in the award dated 20.12.2013 passed by the Motor Accident Claims Tribunal, Ludhiana.

The claim petition was filed under Section 163-A of the Motor Vehicles Act, though in the heading of the judgment there is a reference to Section 166 of the Motor Vehicles Act but both the sides state that the claim petition had been filed under Section 163- of the Motor Vehicles Act.

Chanpreet Sigh was unmarried. He met with an accident on 9.12.2012. His income was stated to be Rs. 3300/- per month. The Tribunal made a deduction of 50% and applied the multiplier of 11 and calculated the compensation to the tune of Rs. 2,17,800/- and Rs. 5,000/- was allowed for funeral expenses.

The submission on behalf of the appellant is that the multiplier should be as per II Schedule and should be 16 and the deduction should be

1/3rd as provided in the II Schedule.

The claimant is the mother of the deceased. It is settled that the multiplier taking the age of the parents has to be considered when the parents are claiming compensation for the death of their child. Therefore, taking the age of the mother, the multiplier would be 11 and the deduction would be 1/3rd considering the II Schedule and the compensation would be Rs. 2200/- x 12 x 11 = 2,90,400/-. To this a sum of Rs. 2,000/- should be added as funeral expenses and Rs. 2500/- for loss of estate which raises the total to Rs. 2,94,900/-. The Tribunal had awarded Rs. 2,22,800/- which would be deducted and the remaining amount i.e. 72,100/- would be payable with interest @ 6% from March 2015 till the amount is actually paid.

The award is modified. The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

July 26, 2017
Gurpreet

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