

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

**FAO No.9590 of 2014 (O&M)
Date of decision: 20.11.2017**

Sukhjrit Kaur and others

...Appellant(s)

Versus

Sukhdev Ram and others

...Respondent(s)

CORAM:-HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashok Jindal, Advocate
for the appellants.

Ms. Vandana Malhotra, Advocate
for respondent No.3.

ANITA CHAUDHRY, J.

This appeal is filed by the claimants seeking enhancement in the award dated 01.07.2014.

A claim petition had been filed under Section 163-A of the Motor Vehicles Act. The income was pleaded to be Rs.3300/- per month. The Tribunal deducted 1/3rd towards personal expenses and applied the multiplier of 14 and calculated the compensation of Rs.3,69,600/-. Over and above this amount, Rs.2,000/- was allowed for funeral expenses.

The submission on behalf of the appellants is that an addition towards future prospects should be made and the amount on the conventional heads should be increased.

On the other hand, the submission is that the claim petition had been filed under Section 163-A, therefore, there can be no addition towards future prospects and the amount on the conventional heads would be as per the IIInd Schedule of the Motor Vehicles Act.

A reading of the appeal shows that the claimants had claimed Rs.45 lacs more but did not explain how the amount had been calculated. The income was rightly taken at Rs.3300/- and the deduction should have been 1/3rd as per the Schedule II of the Motor Vehicles Act. The multiplier was correctly applied and the compensation calculated at Rs.3,69,600/- but the Tribunal failed to award any amount for loss of consortium or for loss to estate and only that addition can be made.

The award is modified and the claimants are allowed Rs.5,000/- for loss of consortium and Rs.2500/- for loss of estate. The amount payable is only Rs.7500/-. This amount shall be paid with interest @ 6% from the date of filing of appeal.

The appeal is partly allowed.

November 20, 2017

ps-l

**(ANITA CHAUDHRY)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No