

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

FAO No. 2938 of 2003 (O&M)
Date of decision: 02.02.2018

Sunita Devi and others

.... Appellants

Versus

Bhura Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Harsh Aggarwal, Advocate
for the appellants.

Ms.Sukhdip Kaur Advocate
for respondents No.2 and 4.

Mr. Paul S.Saini, Advocate
for respondent No.3

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 03.05.2003 passed by Motor Accidents Claims Tribunal, Sangrur (hereinafter referred to as 'Tribunal').

Jagat Singh, aged 25 years, lost his life in a motor vehicular accident that occurred on 05.12.2000. He was struck by a truck bearing registration No.PCT-9747.

The legal heirs of the deceased filed a claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short, 'the Act').

The Tribunal awarded a sum of Rs.2,68,800/- along with interest @ 9% per annum.

The parties have not disputed the facts regarding age of the deceased and his death being the result of a motor vehicular accident.

The issues raised in the present appeal are that the Tribunal has not applied the multiplier of 17 as per IInd Schedule appended to the Act keeping in view the age of the deceased. The grievance is that the income of deceased was proved as Rs.2200/- per month and the Tribunal has taken his monthly earning as Rs.2100/. No amount has been awarded under the conventional heads.

In proceedings under Section 163-A of the Act, the compensation is to be calculated as per IInd Schedule appended to the Act. The amounts to be awarded under the conventional heads and multiplier to be applied according to the age of the deceased are given in the Schedule.

Learned counsel for the respondents could not raise any serious objection with regard to the monthly income earning of the deceased being Rs.2200/-.

The compensation is recalculated as under :-

Monthly income	Rs.2200/-
Annual income	Rs.26,400/-
1/3 rd deduction for self expenses	Rs.8800/-
Dependency	Rs.17,600/-
Applying multiplier of 17	Rs.2,99,200/-
Funeral expenses	Rs.2,000/-
Loss of estate	Rs.2,500/-
Loss of consortium	Rs.5,000/-

Monthly income	Rs.2200/-
Total	Rs.3,08,700/-

The award dated 03.05.2003 is modified to the extent that the amount awarded by the Tribunal of Rs.2,68,800/- is enhanced to Rs.3,08,700/-.

The claimants would be entitled to enhanced amount along with interest as awarded by the Tribunal.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

02.02.2018
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- 1.Whether the order is speaking/reasoned: Yes/No
- 2.Whether the order is reportable : Yes/No