

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

204

FAO-539-1991 (O&M)

Date of decision: 13.07.2018

LAXMI PARSHAD AND ORS.

... Appellants

Versus

RAM PAL & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. R.S. Sihota, Sr. Advocate with
Mr. B.R. Rana, Advocate for the appellants.

Mr. Neeraj Khanna, Advocate for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Kumari Ram Bai aged about 2 years. The Tribunal has awarded compensation of Rs.25,000/- in regard to an occurrence that took place on 27.05.1989.

Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') was enacted in the year 1994. As per Second Schedule appended to Section 163-A of the Act, income of a non-earning person is to be assessed @ Rs.15,000/- per annum. Taking into consideration that occurrence took place in 1989 when Section 163-A of the Act was not on the statute book, interest of justice would be served, if income of the deceased is assessed at Rs.10,000/- per annum and by applying multiplier of 15, compensation to the tune of Rs.1,50,000 is allowed qua loss of dependency. Claimants are allowed a sum of Rs.5000/- qua expenses on funeral/last rites.

Total compensation is Rs.1,55,000/- and the additional amount of Rs.1,30,000/- shall be payable to the claimants, in terms of the award.

The appeal is partly allowed in the aforesaid terms.

13.07.2018
ashok

(REKHA MITTAL)
JUDGE

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