

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

FAO No. 1244 of 2005

DATE OF DECISION : 19.02.2018

Kiranvir Kaur and others

.... APPELLANTS

Versus

Baljit Singh and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Mr. Vikas Mohan Gupta, Advocate,
for respondent No.3.

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AVNEESH JHINGAN, J. (Oral)

This appeal is arising from the award dated 30.11.2004 passed by the Motor Accident Claims Tribunal, Bathinda (for short, 'the Tribunal').

2. The record of this appeal was burnt and from the salvaged record of the partially burnt case, the same was reconstructed subject to all just exceptions and further verification.

3. An accident took place on 28.08.2001. Kulbir Kaur wife of Jasbir Singh alias Jagsir Singh along with other persons was passenger in jeep bearing registration No. PB-04E-3232, being driven by Baljit Singh – respondent No.1. At about 3.30 PM, when the jeep reached near village Jida Romana bus stand, one *Tahli* tree fell on the jeep. As a result of this, Kulbir Kaur lost her life.

4. A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed by legal heirs of the deceased.
5. The Tribunal awarded a sum of ₹ 3,47,000/- along with interest at the rate of 6% per annum.
6. The present appeal has been filed for enhancement of compensation.
7. I have heard learned counsel for the parties and perused the paper book.
8. Learned counsel for the appellants assailed the award arguing that the Tribunal has not calculated the compensation as per second schedule of the Act.
9. Learned counsel for the insurer defended the award and argued that no case has been made out for enhancement of compensation.
10. Learned counsel for the appellants has not been able to point out any discrepancy that the calculation made by the Tribunal is not in accordance with Schedule II of the Act. In such circumstances, no case is made out for enhancement of compensation.
11. The appeal is, accordingly, dismissed.

February 19, 2018
ndj

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No