IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(1)

FAO No.501 of 2006 (O&M)
Date of Decision: April 25, 2018.

Smt. Shilpa Mohan Judgar and others

..........APPELLANT(s).

VERSUS

Ram Niwas and others

........RESPONDENT(s).

(2)

FAO No.502 of 2006 (O&M)

Smt. Shakuntla Dada and another

..........APPELLANT(s).

VERSUS

Ram Niwas and others

........RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Kotla, Advocate
for the appellant (s).

Mr. Sant Lal Barwala, Advocate
for respondent No.1.

Mr. Vinod Gupta, Advocate and
Ms. Vandana Malhotra, Advocate
for respondent No.3-insurance company.

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SURINDER GUPTA, J.

Appellants in both the appeals captioned above filed two separate claim petitions as per provisions of Section 163-A of Motor Vehicles Act, 1988 claiming compensation for death of Mohan Lal and Mahadev Dada in motor vehicle accident with Four-wheeler bearing registration No.HR-39/3917.

The tribunal awarded compensation of ₹4,39,000/- to the claimants in FAO-501-2006, which was computed as follows:-

(i)	Name of the deceased	Mohan Lal
(ii)	Age of the deceased	27 years
(iii)	Income of the deceased	₹3000 p.m.
(iv)	Deduction towards personal expenses 1/3rd and remaining amount	₹3000-1000=₹2000 p.m. i.e. ₹24000 p.a.
(v)	Compensation after applying multiplier of 18	₹24000X18 = ₹4,32,000/-
(vi)	Loss of consortium	₹5000
(vii)	Funeral expenses	₹2000
Total		₹4,39,000/-

The appellants in FAO-502-2006 were awarded compensation of ₹2,06,000/-, which was computed as follows:-

(i)	Name of the deceased	Mahadev Dada
(ii)	Age of the deceased	21 years
(iii)	Income of the deceased	₹3000 p.m.
(iv)	Deduction towards personal expenses	₹3000-2000=₹1000 p.m. i.e. ₹12000 p.a.
(v)	Multiplier applied 1	₹12000X17 = ₹204000/-
(vi)	Funeral expenses	₹2000
Total		₹2,06,000/-

Learned counsel for the appellants-claimants has argued that claimants confine their claim for grant of compensation strictly as per 2nd Schedule under Section 163-A of Motor Vehicles Act. He has confined his submission seeking enhancement of compensation in FAO No.501 of 2006 by ₹2,500/- as the tribunal has not allowed any compensation towards loss of estate to the claimants for the death of Mohan Lal. In case bearing FAO No.502 of 2006, he has argued that the tribunal has taken deduction from the income of the deceased towards his personal expenses as 1/3rd but while making calculation 2/3rd of his income was deducted towards his personal expenses. While seeking compensation in both the cases as per 2nd Schedule under Section 163-A of Motor Vehicles Act, he has argued that claimants are also entitled to compensation of ₹2000/- towards funeral expenses and ₹2500/- towards loss of estate.

Learned counsel for respondent-insurance company has not disputed the grant of compensation as per 2nd Schedule above and has not contested the argument of learned counsel for the appellants-claimants that while making the calculation, the tribunal committed error by deducting 2/3rd income of the deceased Mahadev towards his personal expenses.

In view of submission of learned counsel for the parties, the claimants in FAO No.501 of 2006 are entitled to compensation of ₹2500/- for loss of estate over and above the compensation already allowed by the tribunal. In FAO No.502 of 2006, the compensation as per 2nd Schedule under Section 163-A of Motor Vehicles Act, is computed as follows:-

Sl.No.	*Heads*	*Calculation*
(i)	Income of the deceased	₹3000 per month
(ii)	Deduction of 1/3rd towards personal expenses of the deceased	₹3000-1000=₹2000 p.m. i.e. ₹24000 p.a.
(iii)	Compensation after multiplier of 17 is applied	(₹24000X17)= ₹408000
(iv)	Loss of estate	₹2500
(v)	Funeral expenses	₹2000
Total		₹4,12,500/-

Both the appeals are accordingly allowed. Compensation awarded in FAO No.501 of 2006 is enhanced from ₹4,39,000/- to ₹4,41,500/- for death of Mohan Lal and compensation awarded in FAO No.502 of 2006 is enhanced from ₹2,06,000/- to ₹4,12,500/- for death of Mahadev Dada.

Liability to pay the amount of compensation shall be as per award. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of the appeal till actual realisation. The amount of enhanced compensation in FAO-501-2006 shall be apportioned between claimants No.1 to 4 in equal shares. The 75% of enhanced amount of compensation in FAO-502-2006 shall be given to appellant-claimant No.1 and remaining 25% shall be given to appellant-claimant No.2. Respondent-insurance company will deposit the shares of appellants-claimants, who are major, in their bank accounts or pay the same through demand drafts. The claimants shall also be entitled to costs of this appeal. In case of demise of any of above claimant(s) before his/her share of compensation is disbursed, the same shall be apportioned equally amongst other surviving claimants.

(SURINDER GUPTA)
JUDGE

April 25, 2018.
Sachin M.

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

Whether Reportable: ***Yes/No***