IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1847 of 2010 (O&M)
Date of decision: 12.10.2018

Sarabjeet Kaur and others .... Appellants

Versus

Sunrise Plastic and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Dinesh Kumar, Advocate for
Mr. M.K.Singla, Advocate
for the appellants.

Mr. Ashwani Talwar, Advocate and
Mr. Lalit Kumar, Advocate
for respondent No.3- Insurance Company.

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Avneesh Jhingan, J.(Oral)

The legal heirs of the Jasvir Singh (deceased) have filed an appeal against the award dated 28.02.2009 passed by Motor Accidents Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal') for enhancement of compensation.

2. The brief facts necessary for adjudication of the present appeal are that on 11.05.2007, Jasvir Singh was travelling in a Hyundai Verna Car bearing registration No.PB-13R-3799. When the car reached near Radha Swami Satsang Bhawan, Dhuri, suddenly a stray animal came in front of the car and the driver applied sudden breaks. As a result, driver lost control of the car and struck into a tree. As a result of the impact of collusion, Jasvir Singh suffered multiple injuries which proved fatal for him.

3. A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for brevity, 'the Act') was filed by the widow, mother and two minor children of the deceased. The Tribunal awarded a sum of ₹ 3,70,000/- along with interest @ 7.5% per annum. Compensation was payable by driver, owner and insurer jointly and severally. The age of the deceased was proved as 30 years.

4. The only issue raised in the present appeal is that the Tribunal has wrongly applied multiplier of 15 instead of 18. No other issue has been raised.

5. Learned counsel for the Insurance Company though resisted any further enhancement but was not able to dispute that the multiplier of 18 has to be applied as per IInd Schedule of the Act.

6. After applying the multiplier of 18, the compensation is recalculated as under :-

Monthly income	₹ 3,000/-
1/3rd deduction for self expenses	₹ 1000/-
Annual Dependency (2,000x12)	₹ 24,000/-
Applying multiplier of 18 (24,000x18)	₹ 4,32,000/-
Under the conventional heads as awarded by the Tribunal	₹ 10,000/-
Total	₹ 4,42,000/-

7. The award dated 28.02.2009 is modified to the extent that the amount awarded by the Tribunal of ₹ 3,70,000/- is enhanced to a sum of ₹ 4,42,000/-.

8. The claimants would be entitled to enhanced amount along with interest @ 7.5% per annum from the date of filing the claim petition

till the realisation of the amount. It is clarified that the enhanced amount would be disbursed in the same proportion to the claimants as held by the Tribunal.

9. The appeal is partly allowed in the aforesaid terms

(AVNEESH JHINGAN)
JUDGE

12.10.2018
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1.Whether the order is speaking/reasoned: Yes

2.Whether the order is reportable : No