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

FAO No.2750 of 2012 (O&M)
Date of decision: 22.05.2018

Ramrati .... Appellant

Versus

Kuldeep Singh and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Gourav Jain, Advocate
for the appellant.

Mr.M.B.Jain, Advocate
for respondent No.4-Insurance Company.

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Avneesh Jhingan, J.

The present appeal has been filed against the award dated 17.10.2011 passed by Motor Accidents Claims Tribunal, Fatehabad (hereinafter referred to as 'the Tribunal').

The mother of Jagga Singh @ Gulab Singh, aged 24 years, has filed the appeal for enhancement of compensation awarded in a claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short, 'the Act') on account of death of her son in a motor vehicular accident.

The brief facts of the case are that on 19.04.2010, Jagga Singh @ Gulab Singh lost his life while he was travelling on a roof of Haryana Roadways Bus. While sitting on the roof, he struck against the Keekar tree. He was taken to Govt. Hospital, Bhuna, from there he was shifted to Govt. Hospital, Fatehabad, where he succumbed to injuries. FIR No.80 dated 19.04.2010 was registered.

In a claim petition filed under the Act, the Tribunal awarded a sum of Rs.3,10,500/- along with interest @ 7% per annum.

The present appeal has been filed for enhancement of compensation.

Learned counsel for the appellant argued that the Tribunal erred in assessing the monthly income of the deceased as Rs.3,000/-. 50% deduction for self expenses has wrongly been made.

No other issue has been raised.

Learned counsel for the insurer could not raise any serious objection with regard to the calculation of compensation in accordance with the IInd Schedule of the Act.

The unfortunate parents lost a young son, aged 24 years. No amount of money can compensate such a loss, yet a duty is casted upon the Court to award just and equitable compensation. In the claim petition filed under Section 163-A of the Act, the upper limit of the earning is Rs.40,000/- per annum. Keeping in view the age of the deceased, the monthly income of the deceased is assessed as Rs.3300/-. The Tribunal erred in making deduction 50% for self expenses, as per the IInd Schedule of the Act, 1/3rd is to be deducted. There is no dispute with regard to applying of multiplier of 17 and Rs.4500/- awarded under the conventional heads.

The compensation is recalculated as under :-

Monthly income	Rs.3300/-
1/3rd deduction for self expenses	Rs.1100/-
Dependency	Rs. 2200 /-
Applying multiplier of 17	Rs.4,48,800/-
Funeral expenses	Rs.2000/-
Loss of estate	Rs.2500/-
Total	Rs.4,53,300/-

The award dated 17.10.2011 is modified to the extent that the amount awarded by the Tribunal of Rs.3,10,500/- is enhanced to Rs.4,53,300/-.

The claimant is entitled to enhanced amount along with interest at the rate as awarded by the Tribunal from the date of filing the claim petition till the realisation of the amount.

The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

22.05.2018
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1.Whether the order is speaking/reasoned: Yes/No

2.Whether the order is reportable : Yes/No