

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 6.9.2018

FAO No. 1366 of 2013

Sonia and another

---Appellants

versus

Jaswinder Singh and others

---Respondents

FAO No. 1367 of 2013

Lakho Devi

---Appellant

versus

Jaswinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Bikram Chaudhary, Advocate
for the appellants
Mr. Sukhdarshan Singh, Advocate,
for the insurance company
Mr. Sanyam Malhotra, Advocate
for respondent No. 4

Rekha Mittal, J.

This order will dispose of FAO Nos. 1366 and 1367 of 2013 as these have emerged out of the same accident that took place on 4.8.2010 in which Barinder Singh son of Kali Ram alias Kalia Ram and Kali Ram alias Kalia Ram passed away.

FAO No. 1366 of 2013

The Motor Accidents Claims Tribunal, Sangrur (in short “the

Tribunal”) has awarded compensation of Rs.4,95,200/- in favour of claimants-appellants Sonia and Lakho Devi as well as Bhatheri wife of Barinder Singh arrayed as proforma -respondent No. 5 before the Tribunal, detailed hereunder:-

Monthly income of the deceased	Rs. 3300/-
Deduction for personal expenses	1/3 rd
Multiplier	18
Loss of dependency	Rs. 4,75,200/-
Loss of consortium	Rs. 10,000/-
Expenses on last rites	Rs. 10,000/-

As the application for compensation has been filed under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”), there is no scope for enhancement of compensation. Rather compensation allowed by the Tribunal under conventional heads is more than what is provided in the structured formula laid down in the 2nd Schedule appended to Section 163-A of the Act.

For the foregoing reasons, the appeal fails and is accordingly dismissed. No order as to costs.

FAO No. 1367 of 2013

The Tribunal has awarded compensation of Rs. 3,10,400/-, detailed hereunder:-

Monthly income of the deceased	Rs. 3300/-
Deduction for personal expenses	1/3 rd
Multiplier	11
Loss of dependency	Rs. 2,90,400/-
Loss of consortium	Rs. 10,000/-
Expenses on last rites	Rs. 10,000/-

In view of findings recorded in FAO No. 1366 of 2013,
there is no scope for enhancement of compensation. Accordingly, the appeal
fails and is dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

6.9.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No