

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

224

FAO-10495-2014 (O&M)
Date of decision: 08.05.2018

HARJIT KAUR

... Appellant

Versus

LIBRA BUS SERVICE & ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : None for the appellant.

Mr. Dinesh Saini, Advocate for
Mr. Pritam Saini, Advocate for respondent No.1.

Mr. Ajay Singla, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of Jagtar Singh (wrongly recorded as Beant Singh) in a motor vehicular accident that took place on 13.10.2010.

The Tribunal has awarded compensation of Rs.4,11,000/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3300/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Expenses on funeral	Rs.10,000/-
5. Loss to estate	Rs.5000/-

The application for compensation was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act').

The Tribunal has held that the deceased was 40 years old at the time of death. Second Schedule appended to Section 163-A of the Act provides for structured formula to be applied for fatal accident cases as well as non fatal accidents. As per the Schedule, multiplier of 16 is to be applied if age of the victim is above 35 years but not exceeding 40 years and

multiplier of 15 in case of age being above 40 years but not exceeding 45 years. In the instant case, the deceased has been held to be 40 years old, therefore, he was not above 40 years, thus admissible multiplier is 16. In this manner, claimant shall be entitled to Rs.4,22,400/- (Rs.2200 x 12 x 16) qua loss of dependency.

Under conventional heads, the Tribunal has awarded a sum of Rs.15,000/- but the same is reduced to Rs.9500/-, detailed hereunder:-

1. Loss of consortium	Rs.5000/-
2. Loss to estate	Rs.2500/-
3. Funeral expenses	Rs.2000/-

Total compensation is Rs.4,31,900/- and the additional amount is Rs.20,900/- (4,31,900 - 4,11,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

08.05.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No