

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

FAO No.1060 of 2015

Date of decision:-10.05.2018

Sneh Lata and others

---Appellant(s).

Versus

Ram Kumar and others

---Respondent(s).

FAO No. 2240 of 2015

National Insurance Company Ltd.

---Appellant.

Versus

Sneh Lata & Others

---Respondent(s).

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. Aseem Aggarwal, Advocate,
for the appellant in FAO No. 2240 of 2015 and
for respondent No. 3 in FAO No.1060 of 2015.

Mr. Sunil Kumar, Advocate,
for respondent Nos. 1 to 3 in FAO No.2240 of 2015 and
for the appellants in FAO No. 1060 of 2015.

AVNEESH JHINGAN J. (Oral)

The present two appeals have been filed against the award dated 17.10.2014 passed by Motor Accident Claims Tribunal, Karnal (for short 'the Tribunal').

A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by legal heirs of deceased Sham Lal

who lost his life in a motor vehicular accident that took place on 27.10.2012.

The Tribunal awarded a sum of Rs. 4,87,480/- along with interest at the rate of 12% per annum.

In the claim petition respondent No. 1 was the driver of motor cycle bearing registration No. HR-05V-3712 (for short 'the offending vehicle'). Respondent No.2 was the owner of the offending vehicle and respondent No.3 was the insurer of the offending vehicle.

The insurer of the offending vehicle and the claimants have filed these appeals being aggrieved against the quantum of compensation awarded by the Tribunal.

Learned counsel for the insurer argued that Tribunal erred in adding 30% of future prospects as the claim petition was filed under Section 163-A of the Act. Learned counsel for the claimants contended that Tribunal erred in applying the multiplier of 14. Further his grievance is that no amount for loss of estate has been awarded.

In the claim petition filed under Section 163-A of the Act, the compensation is to be awarded as per the Second Schedule of the Act. In the Second Schedule there is no provision for adding future prospects, it is only in the claim petition filed under Section 166 that future prospects have to be added. Hence the future prospects added by the Tribunal cannot be sustained.

The contention raised by learned counsel for the claimants deserves acceptance. In view of the Second Schedule a multiplier of 15 is to be applied as the deceased was 42 years of age and claimants are entitled to ₹2,500/- for loss of estate. The compensation is recalculated as under:

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	₹ 3,300/- per month
(ii)	1/3 rd deduction towards self expenses of the deceased	₹ 3,300-1,100=2,200/-
(iii)	Multiplier of 15 applied	₹ 2,200X12X15= 3,96,000/-
(iv)	Funeral expenses	₹2,000/-
(v)	Loss of consortium	₹5,000/-
(vi)	Loss of estate	₹2,500/-
	Total Compensation Awarded (iii)+(iv)+(v)+(vi)	₹ 4,05,500/-

The award dated 17.10.2014 is modified to the extent that the amount awarded of ₹ 4,87,480/- is reduced to ₹ 4,05,500/-.

The recovery beyond ₹ 4,00,000/- was stayed by this court vide order dated 10.07.2015. The claimants would be entitled to the balance amount i.e. ₹5,500/- along with interest at the rate as awarded by the Tribunal from the date of filing of the claim petition till realization of the amount.

Accordingly, both these appeals are disposed of.

10.05.2018

Riya Grover

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No