

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

F.A.O No. 3884-2013 (O&M)

Date of decision:- 01.02.2018

Parkash Kaur

...Appellant

Versus

Pavittar Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. G.S. Sirpikhi, Advocate, for the appellant

Mr Vinod Gupta, Advocate
for respondent No. 2-Insurance Company.

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimant-appellants, seeking enhancement of the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Gurdadspur (for short, 'the Tribunal') to the tune of Rs.02,74,500/- on account of death of their son, who died as a result of employment injury in an accident which occurred on 24.08.2005, vide impugned award dated 05.04.2013 in a petition filed under Section 163A of the Motor Vehicle Act

2. As per the Tribunal, the deceased in the present case was 32 years old (as per PMR) at the time of the accident. The Tribunal took the income of the deceased at Rs.3000/- per month and thereafter, applied the multiplier of 17, in view of ***Sarla Verma and others vs. Delhi Transport Corporation and another, 2009 (3) RCR (Civil) Page 77.*** The claimants were awarded Rs.2000/- for the last rites and Rs.2500 for the loss of estate. The total compensation awarded to the claimant was Rs.02,74,500/-.

3. The learned counsel for the claimants-appellant contends that the compensation awarded by the learned Tribunal is on the lower side and

deserves to the enhanced.

4. On the other hand, the learned counsel for the respondent-Insurance Company has vehemently opposed the present appeal.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, the compensation is being reassessed as per the 2nd schedule of the Motor Vehicle Act:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Salary	Rs.40000/- per annum (notional income)
(ii)	1/3 rd of (ii) deducted as personal expenses of the deceased=	Rs.40,000-Rs.13333=Rs.26667/- per annum
(iii)	Compensation after multiplier of 16 is applied	Rs.26667 X 16= Rs.04,26,672/-
(v)	Conventional heads (funeral expenses, loss of estate, loss of consortium)	Rs.4500/-
	Total Compensation awarded	Rs.04,31,172/-
	Enhanced amount of compensation	Rs.04,36,172-Rs.02,74,500=Rs.1,56,672/- (rounded of to Rs.1,57,000/-)

7. The enhanced amount of compensation of Rs.1,57,000/- shall be payable within a period of forty five days from the date of receipt of certified copy of this order. The appellants shall also get interest @ 9% per annum from the date of filing of the claim petition, in view of the judgment of Hon'ble the Supreme Court in a case of *Kumari Kiran through her father Harinarayan vs. Sajjan Singh and others, 2015(1) SCC 539*. The remaining conditions of disbursal of amount shall remain unaltered.

08. Accordingly, the award stands modified to the above extent and the present appeal is partly allowed.

01.02.2018

G Arora

(RITU BAHRI)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes

No