

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

FAO-1958-2015

Date of decision: 11.10.2018

Chhotey Lal & ors.

.... Appellants

Versus

Principal Swami Vivekanand Public School & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Deepak Basatia, Advocate for the appellants.

Ms. Vandana Malhotra, Advocate and
Ms. Monika Jangra, Advocate for respondent No.3.

B.S.Walia, J.(Oral)

1. Appeal has been filed by the appellants-claimants challenging the award passed by the learned Motor Accidents Claims Tribunal, Jagadhri (hereinafter referred to as 'the Tribunal') granting compensation amounting to ₹ 4,12,500/-, in terms of award dated 18.03.2015.

2. Learned counsel for the appellant stated that the only claim for enhancement was that ₹ 5,000/- on account of loss of consortium in accordance with the Second Schedule to Section 163-A of Motor Vehicles Act, 1988 had not been awarded.

3. The relief claimed by the appellants has been opposed by learned counsel for respondent No.3 on the ground that the appellants-claimants are the mother and father whereas Note 3(ii) to the Second Schedule to Section 163-A of the Act is categorical with regard to payment of loss of consortium only if the beneficiary is spouse.

4. In the light of the afore-mentioned position, the enhancement of claim for loss of consortium to the appellants-claimants under Note 3(ii) of

the Second Schedule of Section 163-A of Motor Vehicles Act is not maintainable

5. Accordingly, finding no merit in the appeal, same is dismissed.

11.10.2018
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(B.S.WALIA)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No