IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-218-2015
Date of decision: 14.11.2018

Balbir Singh and another .... Appellants

Versus

M/s J.S.Transporters and another ..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Ashok Jindal, Advocate
for the appellants.

Mr. Pradeep Kumar, Advocate
for respondent No.2-Insurance Company.

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Avneesh Jhingan, J.

The unfortunate parents, who have lost their son are in appeal against the award dated 21.10.2014 passed by Motor Accidents Claims Tribunal, Bathinda (hereinafter referred to as the 'Tribunal') seeking enhancement of compensation.

A motor vehicular accident took place on 17.12.2013. Gurnaib Singh @ Gora lost his life in the said accident. The vehicles involved in the said accident were trucks bearing registration No.PB-03X-7482 and RJ-04-GA-8003.

The legal heirs of Gurnaib Singh @ Gora filed a claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for brevity, 'the Act').

The Tribunal, after considering the facts and on appreciating the evidence produced, awarded a sum of ₹3,55,000/- along with interest @ 9% per annum. The Tribunal assessed the monthly income of the deceased as ₹3300/-. 50% deduction for self expenses was made. The age of the deceased was taken as 28 years, therefore, multiplier of 17 was applied.

Learned counsel for the appellants has raised only two issues. Firstly, the Tribunal erred in making 50% deduction for self expenses and secondly, multiplier of 17 was wrongly applied.

Learned counsel for the Insurance Company defended the award but could not raise any serious objection regarding calculation of compensation as per IInd Schedule to the Act. He argued that the amounts awarded under the conventional heads are on the higher side.

The contentions raised by learned counsel for the appellants deserve acceptance.

Since quantum of compensation is revisited, the amounts awarded for conventional heads shall be made as per IInd Schedule to the Act. 1/3rd deduction for self expenses is to be made. Since the deceased was 28 years of age, multiplier of 18 is to be applied.

The compensation is recalculated as under :-

Annual income	₹3300/-
1/3rd deduction for self expenses	₹1100/-
Dependency	₹2200/-
Applying multiplier of 18	₹4,75,200/-
Funeral expenses	₹2000/-
Loss of estate	₹2500/-
Total	₹4,79,700/-

12. The award dated 21.10.2014 is modified to the extent that the amount awarded by the Tribunal of ₹3,55,000/-is enhanced to ₹4,79,700/-.

13. The claimants shall be entitled to enhanced amount along with interest as already awarded by the Tribunal from the date of filing the claim petition till the realisation of the amount.

14. The appeal is partly allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

14.11.2018
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1.Whether the order is speaking/reasoned: Yes/No

2.Whether the order is reportable : Yes/No