IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1295 of 2016(O&M)
Date of decision: 13.12.2018

Reliance General Insurance Co. Ltd. …..Appellant

VERSUS

Saroj and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Bhupinder Kaur, Advocat for
Mr. Sanjeev Kodan, Advocate for the appellant.

Mr. Vinod Kanwal, Advocate for respondents No.1 to 4.

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REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 04.08.2015 passed by Motor Accidents Claims Tribunal, Kaithal in short 'the Tribunal') whereby compensation has been assessed on account of death of Chander Mohan in a motor vehicular accident that took place on 11.10.2014 but Chander Mohan succumbed to injuries on 15.10.2014.

The appeal has been preferred by the insurance company to challenge only quantum of compensation assessed by the Tribunal.

The Tribunal has awarded compensation of Rs.7,64,600/- detailed hereunder:-

Annual income of the deceased	Rs.38400/-
Deduction for personal expenses	1/4th
Multiplier	17
Loss of dependency	Rs.4,89,600/-
Funeral expenses	Rs.25,000/-
Loss of love and affection for the child	Rs.50,000/-

Loss of estate in favour of parents of deceased	Rs.1,00,000/-
Loss of consortium to the widow	Rs.1,00,000/-

Concededly, application for compensation has been filed under Section 163-A and 140 of the Motor Vehicles Act, 1988 (in short 'the Act'). Under Section 163-A of the Act, compensation is required to be assessed on the basis of structured formula laid down in Second Schedule appended thereto. Accordingly, deduction for personal expenses would be 1/3rd. As the deceased was 27 years old, admissible multiplier is 18 available for age group above 25 years but not exceeding 30 years. In this manner, loss of dependency comes to Rs.4,60,800/- [Rs.6,91,200/- (Rs.38400/- x 18) – Rs.2,30,400/- (1/3rd deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitle to Rs.9500/- i.e. loss of consortium to the widow Rs.5,000/-, loss to estate Rs.2,500/- and funeral expenses Rs.2000/-.

In view of the above, total compensation is Rs.4,70,300/- and the compensation assessed by the Tribunal is reduced to the extent of Rs.2,94,300/- (Rs.7,64,600/- - Rs.4,70,300/-). The insurance company shall be entitle to recover the excess amount, if any, paid to the claimants, by filing an appropriate application before the Tribunal.

The appeal is partly allowed in the aforesaid terms.

DECEMBER 13, 2018 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no