IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4870 of 2013 (O&M)
Date of decision: 30.07.2018.

Smt. Rajesh Devi and others

...Appellants

Versus

Roshan Lal and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Mukesh Yadav, Advocate for the appellants.

Mr. R.K. Bashamboo, Advocate for respondent No.2.

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LISA GILL, J.

This appeal has been filed by the claimants seeking enhancement of the compensation awarded to them by the learned Motor Accident Claims Tribunal, Narnaul (`Tribunal' for short) in award dated 06.07.2013 on account of death of Hari Ram. The claimants are the widow, minor children and father of the deceased.

Brief facts necessary for adjudication of the case are that, the claimants filed petition under Section 163-A of the Motor Vehicles Act (for short, the 'Act') seeking compensation on account of the death of Hari Ram, who lost his life in a motor vehicle accident which took place on the intervening night of 16/17.02.2010. The learned Tribunal on consideration of the facts and evidence on record held that the accident in question was caused due to the use of Canter bearing registration No.HR-66A-0639 by Hari Ram resulting in his death on account of the injuries sustained by him. There is no challenge to the finding of the learned Tribunal in this respect and the same has attained finality.

The learned Tribunal awarded a sum of Rs.8,65,400/- as compensation to the appellants/claimants vide impugned award dated 06.07.2013. Income of the deceased, who was aged 45 years, was assessed as Rs.3,300/- per month. 1/3rd deduction was effected on account of personal expenses. Multiplier of 11 was applied. Rs.10,000/- on account of transportation and funeral expenses as well as Rs.10,000/- towards loss of consortium were awarded. Rs.5,75,000/- were awarded for medical expenses.

The sole argument raised by learned counsel for the appellants is that the multiplier of 15 should have been applied instead of 11 considering the age of the deceased at the time of accident.

Learned counsel for the Insurance Company does not dispute that multiplier of 15 should indeed, have been applied.

In view of the above, the compensation of the appellants/claimants, is reworked as under:-

Sr.No.	***Heads of Claim***	***Amount***
1.	Income	Rs.3300 p.m. i.e. Rs.39,600/- per annum
2.	Income after deduction of 1/3rd on account of personal expenses	Rs.39,600**–**13.200/-(39,600/1/3rd) = 26,400/-
3.	Total dependancy after applying a multiplier of 15	(26,400 **x** 15) = 3,96,000/-
4.	Medical expenses	Rs.5,75,000/-
	Grand Total	Rs.9,71,000/-

The amount of compensation already awarded to the appellants, needless to say, shall stand deducted from the amount calculated as above.

Appellants shall be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of the petition till realization. Directions of the Tribunal in respect to manner of disbursement of compensation amount to the claimants shall enure.

With the abovesaid modification in the amount of compensation, present appeal is disposed of.

(LISA GILL)
JUDGE

July 30, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No