

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

207

FAO No.5442 of 2013 (O&M)
Date of decision: 14.09.2018

Bohti Devi and another ... Appellants

Versus

Naresh Kumar and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Raj K. Rana, Advocate for the appellants.

Mr. V.D. Sharma, Advocate for
Mr. S.S. Kharb, Advocate for respondents No.1 and 2.

Mr. S.S. Sidhu, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

CM No.23036-CII of 2013

Heard.

Allowed as prayed for. Delay of 42 days in filing the appeal
stands condoned.

Disposed of accordingly.

Main Case

The claimants are in appeal seeking enhancement of compensation on account of death of their son Ramesh Kumar aged about 10 years in a motor vehicular accident that took place on 01.06.2012.

The Tribunal has awarded compensation of Rs.2,15,000/-,
detailed hereunder:-

1. Notional income of the deceased	Rs.15,000/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.1,50,000/-
5. Expenses on treatment	Rs.20,000/-
6. Expenses on transportation/last rites	Rs.20,000/-
7. Future prospects of the child	Rs.25,000/-

Indisputably, application for compensation was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') and compensation is to be allowed in view of structured formula laid down in the Second Schedule appended thereto. As income of the deceased is assessed being a non-earning person @ Rs.15,000/- per annum, there would be no deduction for personal expenses. The Tribunal has rightly applied multiplier of 15 for computing loss of dependency. In this manner, loss of dependency is calculated at Rs.2,25,000/- (15000 x 15). The Tribunal has awarded a sum of Rs.20,000/- on account of expenses of transportation of dead body, funeral/last rites. In terms of Section 163A of the Act, claimants shall be entitled to a sum of Rs.2000/- for expenses on funeral. A sum of Rs.20,000/- allowed by the Tribunal towards medical expenses of the deceased is affirmed. Claimants shall not be entitled to compensation on account of future prospects of the child as no such provision is available in the Second Schedule of the Act. Total compensation is Rs.2,47,000/- and the additional amount is Rs.32,000/- (2,47,000 - 2,15,000) payable with interest @ 7.5% per annum from the date of petition till realization, to mother of the deceased.

The appeal is partly allowed in the aforesaid terms.

14.09.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No