

In the High Court of Punjab and Haryana at Chandigarh

FAO- 6319 of 2013(O&M)
Date of Decision: 21.11.2018

Bimla and others ---Appellants

versus

Raj Pal and another ---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants
Ms. Vandana Malhotra, Advocate,
for the insurance company

Rekha Mittal, J.

Counsel for the appellants has circulated an adjournment slip.

Perusal of the records would reveal that since July 22, 2016, counsel for the appellants has never bothered to cause appearance and repeatedly circulated adjournment slips, therefore, request for adjournment is declined.

The claimants are in appeal seeking enhancement of compensation on account of death of Satyawar in a motor vehicular accident that took place on 12.5.2011.

The Motor Accidents Claims Tribunal, Panipat (in short “the Tribunal”) has awarded compensation of Rs.4,26,100/-, detailed hereunder:-

Monthly income of the deceased	Rs. 3300/-
Deduction for personal expenses	1/4 th
Multiplier	13
Loss of dependency	Rs. 3,86,100/-
Loss of love and affection	Rs. 10,000/-
Transportation and last rites expenses	Rs. 10,000/-
Loss of estate	Rs. 10,000/-
Loss of consortium	Rs. 10,000/-

When the case is examined in the light of structured formula

laid down in 2nd Schedule appended to Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”) (application having been filed under Section 163-A of the Act), there is no scope for allowing compensation over and above what has been allowed by the Tribunal. That being so, there is no justification for enhancement of compensation.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

21.11.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No