

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

FAO No.742 of 2013 (O&M)
Date of decision: 13.03.2018

Ashwani Kumar and another

... Appellants

Versus

Paramjit Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajeev D. Sharma, Advocate
for the appellants.

None for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Lakhwinder Singh out of use of motor cycle No.PB-06E(T)-8844 driven by Sunil Kumar on the fateful day i.e. 30.12.2010.

The Tribunal has awarded compensation of Rs.2,25,000/-, detailed hereunder:-

1. Annual income of the deceased	Rs.15,000/-
2. Multiplier	15
3. Loss of dependency	Rs.2,25,000/-

Counsel for the appellants has submitted that income of the deceased assessed by the Tribunal is on lower side and needs enhancement.

An appropriate multiplier may be applied and adequate compensation may

be allowed under conventional heads.

There is no representation on behalf of the insurance company, earlier being represented by a counsel.

The deceased was 17 years old and a student. The Tribunal has noticed in para 13 that claimants failed to adduce cogent evidence that deceased used to take any tuitions and had income. Under the circumstances, income of the deceased assessed by the Tribunal on the basis of a non-earning person @ Rs.15,000/- per annum cannot be faulted with. The application for compensation was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act'), therefore, compensation is to be assessed on the basis of structured formula laid down in Second Schedule appended to Section 163-A of the Act. Claimants shall be entitled to loss of dependency by applying multiplier of 16. Accordingly, loss of dependency comes to Rs.2,40,000/- (Rs.15,000 x 16). Claimants shall be entitled to Rs.2000/- for expenses on funeral. In this manner, total compensation is Rs.2,42,000/- and the additional amount is Rs.17,000/- (2,42,000 – 2,25,000), 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.

13.03.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No