

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

FAO No.5832 of 2015.
Decided on:-February 28, 2018.

Rushpa and others

.....Appellants.

Versus

Kuldeep Sharma and others

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. J.S. Cooner, Advocate
 for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3-insurance company.

HARI PAL VERMA, J. (Oral)

The appellant-claimants have filed the present appeal impugning the award dated 24.02.2015 passed by learned Motor Accidents Claims Tribunal, Pathankot (for short, the Tribunal) seeking enhancement of compensation.

Vide the aforesaid award, the claim petition filed by the appellant-claimants under Section 163-A of the Motor Vehicles Act, 1988 (for short, the Act) for grant of compensation on account of death of Shabbi, who was the husband of appellant-claimant No.1, father of appellant-claimants No.2 to 5 and the son of appellant-claimant No.6, was allowed.

Considering the age of deceased Shabbi as 36 years and his annual income as Rs.40,000/-, the Tribunal had assessed the compensation as

Rs.6 lakhs as per the Second Schedule appended with the Act and after making $1/3^{\text{rd}}$ deduction as per the Note mentioned below the table, had awarded total compensation of Rs.4,09,500/- (which also includes Rs.9,500/- under conventional heads) along with interest @ 6% per annum from the date of filing of the claim petition.

Learned counsel for the parties are *ad idem* that the impugned award dated 24.02.2015 passed by the Tribunal requires modification to the extent that as per the Second Schedule under the Act, the multiplier of '16' should have been applied. After applying the multiplier of '16', the compensation comes to Rs.6,40,000/- (40,000 x 16). After making $1/3^{\text{rd}}$ deduction in the amount of Rs.6,40,000/- as per the Note mentioned below the table in the Second Schedule of the Act, the compensation comes to Rs.4,26,666/- (rounded off to Rs.4,27,000/-). In this manner, a difference of Rs.27,000/- comes, which the claimants are entitled to be awarded over and above the compensation already awarded by the Tribunal. However, the compensation granted under the conventional heads will remain the same.

Accordingly, the present appeal is allowed and the impugned award dated 24.02.2015 passed by the Tribunal is modified to the aforesaid extent. Consequently, the appellant-claimants are held entitled to additional compensation of Rs.27,000/- over and above the compensation already granted by the Tribunal.

Further, in view of the judgment passed by Hon'ble Supreme Court in ***National Insurance Company Limited Versus Pranay Sethi and others 2017(4) RCR (Civil) 1009***, the rate of interest awarded by the Tribunal

i.e. 6% per annum is also modified to 7.5% from the date of filing of the claim petition till its realization.

February 28, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No