IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 7773 of 2014
Date of decision:- 14.05.2018

Suman

---Appellant.

Versus

Satbir Singh and others

---Respondents.

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. Surinder Gandhi, Advocate,
for the appellant.

Mr. Rajbir Singh, Advocate,
for respondent No.3-Insurance Company.

AVNEESH JHINGAN J. (Oral)

The present appeal arises from the award dated 17.05.2013 passed by Motor Accident Claims Tribunal, Rohtak (for short 'the Tribunal').

On 26.02.2010, a motor vehicular accident took place. Yogesh, aged 25 years, was going from Smapla to Rohtak on motorcycle bearing registration No.DL-4SBC-5796. Near village Kharawar at about 3:00 PM, a truck bearing registration No.HR-63-0982 (hereinafter referred to as 'Offending Vehicle') struck into the motorcycle. As a result of the accident, Yogesh died at the spot. FIR was registered against the driver of the offending vehicle.

A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by mother of the deceased.

The Tribunal assessed the income of the deceased as ₹3,200/- per month. Deduction of 1/2nd was made towards self expenses and a multiplier of 14 was applied. The Tribunal awarded a sum of ₹2,83,000/- along with interest at the rate of 6% per annum. The amount awarded included ₹5,000/- for transportation of the body and ₹10,000/- for funeral expenses.

The present appeal has been filed by the appellant for enhancement of compensation.

Respondent No.1 is the driver of the offending vehicle. Respondent No.2 is the owner of the offending vehicle and respondent No.3 is insurer of the offending vehicle.

I have heard learned counsel for the parties and have gone through the record.

In the present appeal facts are not in dispute. The issues raised by learned counsel for the appellant are that deceased was 21 years of age and Tribunal erred in applying the multiplier of 14 instead of 17 as prescribed in the Second Schedule of the Act and 1/2nd deduction made towards self expenses is contrary to the Second Schedule of the Act.

On the other hand learned counsel for the insurer states that ₹10,000/- has been awarded for funeral expenses and ₹5,000/- has been awarded for transportation of body whereas as per the Second Schedule of the Act ₹2,000/- is to be for funeral expenses and ₹2,500/- is to be awarded for loss of estate.

The contentions raised by the learned counsel for the appellant deserve acceptance.

In claim petition under Section 163-A of the Act, the compensation is to be awarded as per the Second Schedule of the Act.

For the reasons mentioned above, the compensation is recalculated as under:

Sr. No.	***Heads***	***Calculations***
(i)	Annual earning	₹38,400/-
(ii)	1/3rd deduction towards self expenses of the deceased	₹38,400-1,28,00=2,56,00/-
(iii)	Multiplier of 17 applied	₹2,56,00X17= 4,35,200/-
(iv)	Loss of estate	₹2,500/-
(v)	Funeral expenses	₹2,000/-
	Total Compensation Awarded (iii)+(iv)+(v)	**₹4,39,700/-**

The award dated 17.05.2013 is modified to the extent that the amount awarded of ₹2,83,000/- is enhanced to ₹ 4,39,700/-.

The appellant/claimant would be entitled to interest at the rate of 6% per annum on the enhanced amount from the date of filing of the claim petition till realization of the amount.

Accordingly, the present appeal is partly allowed to the above extent.

14.05.2018 **(AVNEESH JHINGAN)**
Riya Grover **JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*