

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-. -

FAO No. 8676 of 2014 (O&M)
and Xobjc 17 CII of 2015
Date of decision: 03.12.2018

National Insurance Company Limited

.....Appellant

versus

Saildner and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr.S S Sidhu, Advocate
for the appellant-insurance company

Mr. J S Saneta, Advocate
for respondents No. 1 to 3

-. -

Rekha Mittal, J. (Oral)

CM 1737 CII of 2015

Allowed as prayed for. Delay of 14 days in filing the cross objections stands condoned.

Main case

This order will dispose of aforesaid appeal and cross objections as these have emerged out of the same award dated 17.07.2014 passed by the Motor Accidents Claims Tribunal, Karnal (herein after to be referred as 'the Tribunal') whereby compensation has been assessed in regard to death of Mahinder Singh in a motor vehicular accident that took place on 24.02.2013, in an application filed under Section 163-A of the Motor Vehicles Act, 1988 (in short, 'the Act').

The appeal has been filed by the National Insurance

Company Limited (hereinafter to be referred as 'the insurance company')

whereas cross objections have been filed by the claimants seeking

enhancement of compensation.

The Tribunal has awarded compensation of Rs.1,57,000.00,

detailed hereunder:-

Monthly income of the deceased	Rs.3,300.00
Deduction for personal expenses	1/3 rd
Multiplier	5
Loss of dependency	Rs.1,32,000.00
Funeral expenses	Rs.25,000.00

The sole submission made by counsel for the insurance

company is that compensation allowed for funeral expenses to the tune of

Rs.25,000.00 is not in consonance with the structured formula provided in

the Second Schedule appended to Section 163-A of the Act.

Be that as it may, it is undisputed position of the case that

application for compensation was filed under Section 163-A of the Act

wherein compensation is to be assessed on the basis of structured formula

laid down in the Second Schedule appended thereto. Under the

circumstances, there is no justification for enhancement of compensation

over and above what has been allowed by the Tribunal with regard to loss

of dependency.

The Tribunal has awarded a sum of Rs.25,000.00 towards

funeral expenses as against Rs.2,000.00 provided under this head in the

Second Schedule appended to Section 163-A. However, the

claimants/cross objectors shall be entitle to a sum of Rs.2,500.00 for loss

to estate. In the given scenario, it would be in the interest of justice that

compensation allowed by the Tribunal under conventional heads is kept

intact.

For the foregoing reasons, the appeal filed by the insurance company as well as cross objections filed by the claimants/cross objectors are dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

03.12.2018
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