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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-8792-2014 (O&M)

Date of decision : 17.01.2018

Babita and others

... Appellant(s)

Versus

Pardeep Kumar and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.K. Yadav, Advocate
for the appellant(s).

None for respondent No.5/Insurance Company.

AMIT RAWAL, J. (ORAL)

CM-23911-CII-2014

For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed and the delay of 19 days' in refiling the appeal is condoned.

CM-23912-CII-2014

For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed and the delay of 56 days' in filing the appeal is condoned.

FAO-1898-2014

The present appeal has been preferred by the claimants being widow, children and parents of Suresh Yadav, who died in a motor accident occurred on 21.07.2006, for enhancement of compensation against the

Award passed by the Tribunal in a claim petition under Section 163-A of the Motor Vehicles Act, whereby a compensation of ₹3,93,500/- along with interest @ 7.5% per annum, had been awarded.

Learned counsel appearing on behalf of the appellants-claimants submits that the Tribunal has awarded the compensation to the tune of ₹3,93,500/-, which is on lower side as the Tribunal took the income of the deceased as ₹3,000/-. The Tribunal has wrongly applied the multiplier of '16', whereas it should have '18'. Moreover, no increase was made in the salary towards future prospects and the amount of ₹5,000/- towards loss of consortium, ₹2,000/- on account of funeral expenses and ₹2,500/- towards loss of estate, is also too meagre, thus, there is scope for enhancement.

I have heard the learned counsel for the appellants and appraised the paper book and of the view that there is a scope of enhancement as the compensation to the tune of ₹3,93,500/- is on lower side and accordingly, I take the income of the deceased as ₹3,200/- per month and apply a multiplier of '18' instead of 16, much less, deduction of 1/3rd to assess the loss of dependency as ₹4,60,800/-. The Tribunal has rightly awarded the compensation of ₹9,500/- towards conventional heads i.e. loss of consortium, loss of estate and funeral expenses as per Schedule II attached with Section 163-A of the Motor Vehicles Act and accordingly, the amount under conventional heads is hereby upheld.

In all the compensation payable shall be ₹4,70,300/-. The amount in excess over what has already been provided by the Tribunal shall also attract interest @ 6% per annum from the date of filing of the appeal till

its realization. The enhanced amount shall be distributed amongst the appellants-claimants in the ratio of 2:2:2:2:1:1. The liability shall remain the same as has already been determined by the Tribunal.

The award passed by the Tribunal is modified to the above extent and the appeal stands allowed.

17.01.2018 Yogesh Sharma	(AMIT RAWAL) JUDGE
	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No