

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

**F.A.O. No. 7984 of 2015(O&M)
Date of Decision: 10.10.2018**

Balbir Kaur

.....Appellant.

Versus

Jaskaran Singh and another

..... Respondents.

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ashish Gupta, Advocate
for the appellant.

Mr.M.B.Jain, Advocate
for respondent no.2.

LISA GILL, J.

Appellant-claimant, seeks enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Karnal (for short 'MACT'), vide impugned award dated 04.02.2013 on account of death of her husband in a motor vehicle accident.

As per averments in the claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act'), Harbhajan Singh, husband of the appellant was going from village Kalsi to Nilokheri, on 24.05.2011 on motorcycle bearing registration no. HR-05-W-2970 while observing all the traffic rules. At about 9/9.15.a.m, when he reached near agricultural fields of Kanwar Singh of Village Butana, he was hit by a bus, due to which, he received multiple, serious and grievous injuries on his person. He succumbed to his injuries on the spot. FIR No.1257 dated 24.05.2011, under Sections 279, 304-A IPC was registered in this respect.

Learned Tribunal concluded that the motor vehicle accident in which Harbhajan Singh lost his life took place on 24.05.2011 involved the motorcycle in question. The said finding of the learned tribunal has attained finality.

The learned tribunal awarded a total sum of ₹2,07,500/- on account of death of the son of the appellant, which is detailed as under:-

1.	Income	₹3300/- per month
2.	Deduction	1/2
3.	Multiplier	10
4.	Loss of dependency	₹1,98,000/-
5.	Loss of estate	₹2500/-
6.	Transportation and funeral expenses	₹2000/-
7.	Loss of consortium	₹5000/-
	Total	₹2, 07,500/-

Learned counsel for the parties are *ad idem* that the compensation awarded to the claimant under Section 163-A of the Act is required to be re-worked in as much as multiplier of 8 instead of 10 is to be applied and deduction of 1/3 instead of ½ is to be effected. Compensation under rest of the heads has been awarded as per the schedule. Accordingly, compensation awarded to the claimant is re-worked as under:-

1.	Income	₹3300/- per month
2.	Deduction	1/3
3.	Multiplier	8
4.	Loss of dependency	₹2,11,200/-
5.	Loss of estate	₹2500/-
6.	Transportation and funeral expenses	₹2000/-
7.	Loss of consortium	₹5000/-
	Total	₹2,20,700/-

The amount of compensation already awarded to the appellant

F.A.O. No. 7984 of 2015 (O&M) 3

shall stand deducted from the amount calculated as above. Appellant shall be entitled to interest at the rate of 7.5% per cent per annum on the enhanced amount from the date of filing of the petition till realization.

The manner of disbursement, as directed by the learned tribunal, shall enure.

With the abovesaid modification in the amount of compensation, present appeal is disposed of.

10.10.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.