

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

FAO No. 7128 of 2016 (O&M)

Date of Decision: 31.10.2018

Smt. Suman and others

.....Appellants

Versus

Jiwan Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Kumar Walia, Advocate,
 for the appellants.

AVNEESH JHINGAN, J (Oral) :

The present appeal has been filed against the award dated 24.04.2015, passed by the Motor Accident Claims Tribunal, Kurukshetra (for short 'the Tribunal').

2. The claimants are in appeal for enhancement of compensation awarded by the Tribunal in claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act').

3. The brief facts of the case are that on 26.10.2013, Raj Pal (since deceased) and his brother Jai Kumar went to meet their sister on two separate motorcycles. Rajpal was travelling on a motorcycle bearing No. HR-07S-3315, being driven by his father. When they reached near the Aalishan Palace, Radaur Road, Ladwa, a dead calf was lying in the middle of the road, Jiwan Kumar (respondent No. 1) could not notice the same and the motorcycle hit the dead calf and both of them fell down, as a result both suffered injuries and Raj Pal succumbed to the injuries. A claim petition under Section 163-A of the Act was filed by legal heirs of the deceased. The

Tribunal assessed the monthly income of the deceased as Rs. 3,200/- per month and 1/3rd deduction for self-expenses was made and multiplier of 17 was applied. Further, the Tribunal awarded Rs. 5000/- for loss of consortium, Rs. 2000/- for loss of estate, and Rs. 2,000/- were awarded for funeral expenses.

4. Thus, the Tribunal awarded a total compensation of Rs. 4,44,200/- alongwith interest at the rate 7.5% per annum.

5. The present appeal has been filed for enhancement of compensation.

6. After hearing learned counsel for the appellants and going through the paper book, this Court is of the considered opinion that the Tribunal has rightly awarded the compensation as per Second Schedule to the Act.

7. In view of the aforesaid fact, no further enhancement is warranted or required as the compensation already awarded is just and equitable and in accordance with law.

5. The appeal is accordingly dismissed.

October 31, 2018

Ajay Goswami

**[AVNEESH JHINGAN]
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No