

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

FAO No. 1262 of 2017 (O&M)

Date of Decision: 01.11.2018

Satpal Singh and Others

.....Appellants

Versus

Sammat Singh and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sunny Namdev, Advocate,
 for Mr. Saurabh Dalal, Advocate,
 for the appellant(s).

 Ms. Vandana Malhotra, Advocate,
 for respondent No. 3.

AVNEESH JHINGAN, J (Oral) :

 This is an appeal against award dated 28.03.2016 passed by the Motor Accident Claims Tribunal, Rohtak (for short 'the Tribunal'). The claimants are in appeal for enhancement of compensation.

2. The brief facts of the case are that in a motor vehicular accident that occurred on 29.04.2015, Saroj (since deceased) lost her life. The offending vehicle in the accident was a motor cycle bearing registration no. HR-13/F/3470.

3. A claim petition was filed by the legal heirs of Saroj (since deceased) under Section 163-A of the Motor Vehicles Act, 1988, (for short 'the Act'). The Tribunal after considering the facts and appreciating the evidence adduced, awarded compensation to the tune of Rs.3,26,300/- alongwith interest @ 7.5% per annum. The compensation was calculated as per the second schedule to the Act.

4. The only issue raised by the learned counsel for the appellant is that as per the post-mortem report, the deceased was 46 years of

age and 'the Tribunal' erred in applying the multiplier of 12.

5. The learned counsel for the insurer of the offending vehicle could not raise any serious disputes.

6. The deceased was 46 years of age, therefore, as per IIInd Schedule of the Act, multiplier of 13 is to be applied.

7. The compensation is re-calculated as under:

	Head	Compensation awarded
(i)	Monthly Income	Rs. 3,300/-
(ii)	1/3 rd Deduction for self expenses	Rs. 1,100/-
(iii)	Multiplier	13
(iv)	Total Dependency	2,200x12x13= Rs. 3,43,200/-
(v)	Funeral expenses	Rs. 2,000/-
(vi)	Loss of consortium	Rs. 5,000/-
(vii)	Loss of estate	Rs. 2,500/-
	Total compensation awarded	Rs. 3,52,700/-

8. The award dated 28.03.2016 is modified to the extent that amount awarded of Rs. 3,26,300/- is enhanced to Rs. 3,52,700/-, along with interest @ 7.5 % per annum from the date of filing of the claim petition till realization of the amount.

9. The appeal is disposed of in the manner indicated above.

November 1st, 2018

Ajay Goswami

**[AVNEESH JHINGAN]
JUDGE**

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