

FAO No. 8661 of 2015(O&M)
Date of Decision: 23.8.2018.

United India Insurance Company Limited

---Appellant

versus

Shyamo Devi and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Monika Jangra, Advocate and
Ms. Vandana Malhotra, Advocate
for the appellant

Mr. Akshay Jindal, Advocate
and Ms. Janya Sirohi, Advocate
for the claimants.

Mr. Chetan Kapoor, Advocate,
for Mr. Rakesh Gupta, Advocate
for respondent No. 4

Rekha Mittal, J.

The present appeal directs challenge against award dated 6.8.2015 passed by the Motor Accidents Claims Tribunal, Karnal whereby compensation has been assessed on account of death of Indu Kashyap in a motor vehicular accident that took place on 9.4.2008.

The Tribunal has assessed compensation of Rs. 8,02,600/-, detailed in a tabulated form in para 12 of the award.

The sole submission made by counsel for the appellant-insurance company is that compensation assessed by the Tribunal is more than what is available in view of the structured formula contained in IIInd Schedule appended to Section 163-A of the Motor Vehicles Act, 1988.

Counsel for the claimants has supported assessment made by the Tribunal.

The Tribunal has wrongly allowed benefit of future prospects @ 50%. Deduction for personal expenses would be $1/3^{\text{rd}}$ in place of $1/4^{\text{th}}$. The Tribunal has applied multiplier of 18. The deceased was 17 years old . A multiplier of 16 is admissible if age of the victim is above 15 years but not exceeding 20 years. Accordingly, multiplier of 16 is allowed for computing loss of dependency. In this manner, loss of dependency is calculated at Rs.4,09,600/-[3200 x 12 x 16 = 6,14,400- 2,04,800 ($1/3^{\text{rd}}$ deduction)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that claimants shall be entitled to a sum of Rs. 2000/- towards funeral expenses and Rs. 2500/- for loss of estate.

Total compensation is Rs. 4,14,100/- and compensation awarded by the Tribunal is reduced to the extent of Rs.3,88,500/-(8,02,600- 4,14,100).

The appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

23.8.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No