

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

FAO No. 2123 of 2017(O&M)

Date of decision: 24.4.2018

Rooma Rani and others

....Appellants

VERSUS

Swaran and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Balraj Singh Dhull, Advocate for the appellants.

REKHA MITTAL, J.

CM No.7111-CII of 2017

Prayer in this application is for condoning delay of 4 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Rooma Rani – appellant No.1, the application is allowed.

Delay of 4 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.2123 of 2017

The present appeal directs challenge against award dated 12.05.2016 passed by the Motor Accidents Claims Tribunal, Kurukshetra (in short 'the Tribunal') whereby compensation has been awarded under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') in regard to death of Vikram Singh out of use of motorcycle bearing No.HR-07-N-4290.

Counsel for the appellants would urge that the claimants are entitled to benefit of future prospects at the rate of 40% and adequate compensation under conventional heads in the light of judgment of Hon’ble the Supreme Court **National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 SCC 1270.**

I have heard counsel for the appellants, perused the paper-book particularly the award.

Indisputably, the application for compensation was filed under Section 163-A of the Act that provides for special provisions as to payment of compensation on structured formula basis. Perusal of the assessment of compensation makes it evident that the Tribunal has awarded compensation strictly in consonance with the structured formula laid down in the Second Schedule appended to Section 163-A of the Act, therefore, there is no justification for enhancement of compensation on any count whatever. The claimants cannot press for grant of benefits available under Section 166 of the Act.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs.

APRIL 24, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no