

DIWAKER GULATI
2018.09.25 12:40**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO No. 2147 of 2017(O&M)****Date of decision: 19.9.2018**

Lakhwinder Kaur and others

.....Appellants

VERSUS

Sunny Dhiman and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 27.04.2016 passed by the Motor Accidents Claims Tribunal, Hoshiarpur in short 'the Tribunal') whereby compensation has been awarded on account of death of Satnam Singh in a motor vehicular accident that took place on 30.11.2014, in an application filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act')

The Tribunal has awarded compensation of Rs.5,14,400/- detailed hereunder:-

Annual income of the deceased	Rs.39600/-
Deduction for personal expenses	1/4 th
Multiplier	17
Loss of dependency	Rs.5,04,900/-
Funeral expenses	Rs.2000/-
Loss of consortium	Rs.5000/-
Loss to estate	Rs.2500/-

In addition, a sum of Rs.3000/- has been awarded towards costs of petition.

As the application for compensation has been filed under Section 163-A of the Act, compensation is required to be computed in the light of structured formula laid down in the Second Schedule appended thereto. The Tribunal has allowed deduction for personal expenses to the extent of $\frac{1}{4}^{\text{th}}$ as against $\frac{1}{3}^{\text{rd}}$ admissible under Section 163-A of the Act. Compensation awarded by the Tribunal under other heads is in complete consonance with the structured formula. That being so, there is no scope for enhancement of compensation over and above what has been allowed by the Tribunal.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. No order as to costs. As the appeal has been decided on merits, application for condonation of delay in re-filing the appeal is of academic relevance only.

SEPTEMBER 19, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no