

FAO No. 5918 of 2017(O&M)
Date of Decision: 3.12.2018

Jasbir Singh and another

---Appellants

versus

Sukhwinder and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. S.S.Bairagi, Advocate
for the appellants

Rekha Mittal, J.

CM No. 19140-CII of 2017

Prayer in this application is for condoning delay of 103 days in refiling the appeal.

In view of averments made in the application supported by an affidavit of Sh. S.S.Bairagi, Advocate, counsel for the applicants and arguments advanced, application is allowed and delay of 103 days in refiling the appeal stands condoned.

Disposed of accordingly.

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The claimants are in appeal seeking enhancement of compensation on account of death of a child aged three years in a motor vehicular accident that took place on 5.4.2014. The Motor Accidents Claims Tribunal, Karnal (in short "the Tribunal") has awarded compensation of Rs. 2,29,500/-, in terms of structured formula laid down in 2nd Schedule appended to Section 163-A of the Motor Vehicles Act, 1988(in

short “the Act”).

The application for compensation has been filed under Section 163-A of the Act, therefore, compensation has rightly been assessed in consonance with the structured formula provided in the 2nd Schedule. That being so, there is no justification for awarding compensation over and above what has been allowed by the Tribunal.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

3.12.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No