

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

FAO No. 607 of 2017 (O&M)

Date of Decision: 01.11.2018

Mindra and others

.....Appellants

Versus

Aarif Khan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Chetan Kapoor, Advocate for
 Mr. Aashish Gupta, Advocate,
 for the appellants.

 Mrs. Vandana Malhotra, Advocate,
 for respondent No. 3-Insurance Company.

AVNEESH JHINGAN, J (Oral) :

 The present appeal is against the award dated
2.05.2016 passed by the Motor Accident Claims Tribunal, Mewat (for short
'the Tribunal').

2. In a motor vehicle accident that occurred on
04.02.2015, Ranjeet (since deceased) aged 22 years lost his life. The
offending vehicle in the accident was a vehicle bearing registration No.
HR-55S-8874.

3. A claim petition under Section 166 of the Motor
Vehicles Act, 1988 was filed. The Tribunal after considering the facts and
appreciating the evidence adduced, awarded a sum of Rs. 9,89,000/- along
with interest at the rate of 7.5 % per annum. The monthly income of the

deceased was taken as Rs. 9,000/-, $1/3^{\text{rd}}$ deduction was made and multiplier of 18 was applied.

4. The present appeal has been filed for enhancement of compensation.

5. At the time of arguments, learned counsel for the appellants only restricted his claim to the effect that there is a calculation error in para 23, internal page (9) of the award. The Tribunal had applied a multiplier of 18 on the annual income of Rs. 72,000/- and totalled it as Rs. 8,64,000/- whereas it should be Rs. 12,96,000/-.

6. Learned counsel for the insurer contended that for correcting the arithmetical mistake, the appellant should have approached the Tribunal with an application for rectification. She further argued that the entire quantum of compensation should be re-visited.

7. The accident is of the year 2015. A youth of 22 years lost his life. Young widow and old parents have already faced a litigation for almost 3 years. It would not be appropriate to remand the matter back for the purpose of moving an application for rectification, especially in case when the arithmetical mistake is evident to the naked eyes. The appellant has restricted his claim only to the extent of arithmetical mistake, hence, there is no occasion for this Court to re-visit the award. The award dated 02.05.2016 is modified to the extent that in para 23 internal page 9, the figure of Rs. 8,64,000/- ($72,000 \times 18$) is ordered to be replaced by the figure Rs. 12,96,000/- ($72,000 \times 18$).

8. It would be appropriate to note at this stage that the parties have not disputed the fact that the Tribunal while considering the

annual income as Rs. 72,000/-, had applied a multiplier of '18'.

9. As the arithmetical rectification has been carried out, the appellants would be entitled to get the differential amount payable to them along with interest as awarded by the Tribunal.

10. The appeal is accordingly disposed of.

November 1st, 2018

Ajay Goswami

**[AVNEESH JHINGAN]
JUDGE**

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