IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-434-2018 (O&M)
Date of decision: 14.11.2018

Ramratti .... Appellant

Versus

Vikram Singh and others ..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.K.S.Dhanora, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No.2-Insurance Company.

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Avneesh Jhingan, J.

Widow of Rattan Singh has filed the present appeal against award dated 19.05.2017 passed by Motor Accidents Claims Tribunal, Kaithal (hereinafter referred to as the 'Tribunal'). The appeal is for enhancement of compensation awarded by the Tribunal in a claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for brevity, 'the Act').

The brief facts necessary for adjudication of the present appeal are that on 05.09.2016, Rattan Singh along with Vikram Singh was going from village Jajanpur towards village Geong. They were travelling on a motorcycle bearing registration No.HR-08U-3995. Rattan Singh was pillion rider on the motorcycle. When they reached near village Solu-Majra, a stray cow suddenly came in front of the vehicle. Vikram Singh suddenly applied the brakes and lost his control on the vehicle. As a result, Rattan Singh fell down. He suffered injuries and was shifted to Civil Hospital, Kaithal. From there, he was referred to PGI, Chandigarh, where he succumbed to injuries on 06.09.2016.

The widow of Rattan Singh had filed a claim petition under Section 163-A of the Act.

The Tribunal awarded a sum of ₹2,73,500/- along with interest @ 9% per annum. The Tribunal assessed the monthly income of the deceased as ₹3300/-. 1/3rd deduction for self expenses was made. The age of the deceased was taken as 52 years. Multiplier of 10 was applied. Rs.9500/- was awarded under the conventional heads as per the IInd Schedule of the Act.

The only issue raised in the present appeal is that the deceased was 52 years of age and the Tribunal erred in applying the multiplier of 10 instead of 11.

Learned counsel for the Insurance Company though defended the award but could not raise any serious objection with regard to application of multiplier of 11 in view of the IInd Schedule to the Act.

In view of the IInd Schedule to the Act and keeping in view the fact that the deceased was 52 years of age, multiplier of 11 is applied and the compensation is re-calculated as under :-

Annual income	₹39,600/-
1/3rd deduction for self expenses	₹13,200/-
Dependency	₹26,400/-
Applying multiplier of 11	₹2,90,400/-
Amount already awarded by the Tribunal under the conventional heads	₹9500/-
Total	₹2,99,900/-

12. The award dated 19.05.2017 is modified to the extent that the amount awarded by the Tribunal of ₹2,73,500/-is enhanced to ₹2,99,900/-.

13. The claimant shall be entitled to enhanced amount along with interest as already awarded by the Tribunal from the date of filing the claim petition till the realisation of the amount.

14. The appeal is allowed in the aforesaid terms.

(AVNEESH JHINGAN)
JUDGE

14.11.2018
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1.Whether the order is speaking/reasoned: Yes/No

2.Whether the order is reportable : Yes/No