

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

FAO No. 7617 of 2017

DECIDED ON: DECEMBER 14, 2018

ANURADHA AND OTHERS

.....APPELLANTS

VERSUS

KEWAL SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Munish Puri, Advocate
for the appellants.

AVNEESH JHINGAN, J (ORAL)

The award dated 17.03.2017 passed by the Motor Accident Claims Tribunal, Pathankot (for short 'the Tribunal') has been assailed by the legal heirs of Ramesh Kumar seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 (for brevity 'the Act').

The brief facts necessary for the adjudication of the present appeal are that Ramesh Kumar @ Ramesh Chander lost his life in a motor vehicular accident that took place on 30.03.2015. The vehicle involved in the accident was Truck bearing registration No. HR-55-L-3412 (hereinafter referred to as 'offending vehicle'). FIR No. 58, dated 30.03.2015 was registered.

The widow and five children including one minor of Ramesh Kumar

@ Ramesh Chander filed a claim petition under Section 163-A of the Act.

The Tribunal awarded a compensation to the tune of ₹3,27,000/- alongwith interest @7.5% per annum. The amount awarded included ₹2000/- for loss of consortium to the widow and ₹5000/- for funeral expenses. The Tribunal after considering the facts and appreciating the evidence adduced held the owner, driver and insurer of the offending vehicle jointly and severally liable to pay the compensation.

The claimants in the claim petition pleaded that the deceased was 47 years old at the time of accident. He was working as driver and was drawing salary of ₹3300/- per month. The Tribunal assessed annual income of the deceased as ₹40,000/-, made 1/3rd deduction for self-expenses and multiplier of 13 was applied.

Learned counsel for the appellants contends that no amount has been awarded for loss of estate.

In a claim petition preferred under Section 163-A of the Act, the compensation is to be awarded strictly in consonance with Second Schedule to the Act. As per the Second Schedule to the Act, ₹2500/- is to be awarded for loss of estate. Otherwise, the compensation has been awarded in consonance with the Second Schedule to the Act, except awarding compensation for loss of estate.

In view of the order proposed to be passed it is not deemed appropriate to issue notice to the respondents, keeping in view that there is enhancement of only ₹2500/- for loss of estate.

The award dated 17.03.2017 is modified to the extent that the amount

awarded of ₹3,27,000/- is enhanced by ₹2500/- only. The appellants shall be entitled to interest @7.5% per annum on the enhanced amount from the date of filing of the claim petition till the realization of the amount.

It is, however, clarified that respondents shall be at liberty to revive the same, if aggrieved.

The appeal is allowed in the afore-said terms.

DECEMBER 14, 2018

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No