

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 10105 of 2014 (O&M)

Date of Decision: 12.04.2019

Shakuntla Devi and others

.....Appellants

Versus

Kuldeep and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vijay Dahiya, Advocate
for the appellants.

Mr. Vinod Chaudhri, Advocate
for respondent No.3.

AVNEESH JHINGAN, J.(oral)

This appeal has been filed against award dated 16.9.2013 passed by the Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as 'the Tribunal') by the legal heirs of deceased Bhim Singh.

Driver, owner and insurer (i.e. The New India Assurance Company Limited) of Bolero Jeep bearing registration No.HR-64-1044 (for short 'the offending vehicle') have been arrayed as respondents No. 1 to 3.

The factum of accident is not in dispute between the parties.

A motor vehicular accident took place on 15.2.2012. The accident proved fatal for Bhim Singh aged 55 years. The offending vehicle was involved in the accident. A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act') was filed. The Tribunal assessing the income of deceased as ₹ 40,000/- per annum awarded a sum of ₹ 3,63,304/- along with interest at the rate of 7.5% per annum. For calculation of the

compensation, 1/3rd deduction for self-expenses was made and multiplier of 11 was applied, considering the age of the deceased. The amount awarded included ₹ 20,000/- for funeral expenses and ₹ 50,000/- for loss of consortium.

The only contention raised by learned counsel for the appellants is that no future prospects have been awarded.

The argument raised is not well founded. There is no dispute on the fact that the claim petition was filed under Section 163-A of the Act, there is no requirement to prove rash and negligent driving of the offending vehicle. The limitation is that compensation is to be calculated as per the structured formula provided under Second Schedule to the Act. No future prospects are to be awarded under Section 163-A of the Act.

There is another aspect of the matter that the amounts awarded under conventionals heads by the Tribunal are more than the amount specified in the Second Schedule.

There is no scope for enhancement.

The appeal is accordingly dismissed.

12.04.2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No