

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1979 of 2014
DECIDED ON: JANUARY 10, 2019

KARNAILO DEVI AND OTHERS

.....APPELLANTS

VERSUS

AMIT CHAND & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pardeep Sehrawat, Advocate for
Mr. Vivek Goyal, Advocate
for the appellants.

Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khann, Advocate
for the respondent-Insurance Company.

AVNEESH JHINGAN J. (ORAL)

The legal heirs of Jasbir Singh (deceased) are in appeal against the award dated 11.01.2012 passed by the Motor Accident Claims Tribunal, Kurukshetra (for brevity 'the Tribunal') seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act')

The owner of motorcycle bearing registration No. HR-04-C-0583 and insurer (i.e. Iffco Tokio General Insurance Co. Ltd.) of the motorcycle have been arrayed as respondents no. 1 and 2 respectively in the appeal. Parents of the deceased have been arrayed as proforma respondents in the appeal.

The facts emanating from the record are that on 25.04.2010, Jasbir Singh alongwith Kamal Kumar was going to Shahabad Markanda on motorcycle bearing registration No. HR-04-C-0583 being driven by Jasbir Singh. When they reached in front of Markandeshwar Institute of Science and Technology College, Padlu. The front tyre of motorcycle got deflated as a result of which motorcycle lost his balance and struck against a cement pillar. As a result of the impact, Jasbir Singh sustained injuries and was taken to CHC, Shahabd from where he was referred to PGI, Chandigarh. He succumbed to his injuries on 26.04.2010. DDR No. 11, dated 26.04.2010 was registered at Police Station Shahbad.

A claim petition under Section 163-A of the Act was filed. The Tribunal awarded a compensation to the tune of ₹ 4,51,568/- alongwith interest @7.5% per annum. The amount awarded included ₹9500/- under the conventional heads. The Tribunal after considering the facts and on appreciating the evidence adduced, assessed the monthly earning of the deceased as ₹ 3250/-. 1/3 deduction for self-expenses was made and multiplier of 17 was applied.

The present appeal has been filed seeking enhancement of compensation.

Heard learned counsel for the parties and perused the relevant documents produced by them.

Learned counsel for the appellants contends that the amount awarded by the Tribunal is on the lower side.

Learned counsel for the insurer defended the award and resisted any further enhancement.

The claim petition was filed under Section 163-A of the Act and the Tribunal has calculated the claim strictly in accordance with the Second Schedule of the Act. In such circumstances, there is no scope of enhancement. No interference is called for.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

JANUARY 10, 2019
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Whether speaking/reasoned:
Whether reportable :

Yes / No
Yes / No