

FAO No. 1658 of 2016 (O&M)

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

FAO No. 1658 of 2016 (O&M)

Date of Decision: December 11, 2019

Santosh Kumari and another

..... Appellants(s)

Versus

Shivam Nain and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sunny Namdev, Advocate for
Mr. Saurabh Dalal, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent no.3.

LISA GILL, J.

This appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded to them vide award dated 03.10.2015, passed by learned Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal).

The claimants-appellants, who are the parents of the deceased Sujeet, filed a petition under Section 163-A of the Motor Vehicles Act, 1988, claiming compensation on account of death of their son Sujeet in the motor vehicle accident, which took place on 24.11.2011, due to the use of the motorcycle bearing registration no. HR-12S-5335, by Shivam Nain-respondent no.1.

Learned Tribunal accepted the claim of the appellants that the deceased aged 20 years was earning a sum of Rs.3,300/- per month and he

died on 24.11.2011, due to the use of the motorcycle bearing registration no. HR-12S-5335. Learned Tribunal awarded a compensation of Rs.4,54,000/- along with interest of 8% per annum to the claimants, which is detailed as under:-

<i>Sr.No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
1.	Income	3,300/- per month
2.	Income after 1/3 rd deduction on account of personal expenses	3,300-1100 = 2,200/-
3.	Total dependency after applying multiplier of 17	2,200 x 12 x 17 = 4,48,800/- (Rounded off to Rs.4,49,000/-)
4.	Loss of estate and funeral expenses	5,000/-
	Grand Total	Rs.4,54,000/-

Learned counsel for the appellants is unable to deny that the compensation awarded by the learned Tribunal is as per the Second Schedule. He is further unable to deny that there is no scope for enhancement of the total compensation awarded to the claimants. Therefore, there is no illegality, infirmity or perversity in the impugned award dated 03.10.2015, passed by the learned Motor Accident Claims Tribunal, Rohtak, which calls for any interference by this Court at the instance of the appellant.

No other argument has been addressed.

Appeal is accordingly dismissed with no order as to costs.

December 11, 2019

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No