

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

**FAO No.295 of 2015 (O&M)
Date of Decision: 09.05.2019**

Saranjit Kaur and others

Appellants

Versus

M/s Sharma Construction Company, Amritsar and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikas Gupta, Advocate
for the appellants.

AVNEESH JHINGAN, J (Oral):

The award dated 04.01.2014 passed by the Motor Accident Claims Tribunal, Amritsar [for brevity 'the Tribunal'] has been assailed by legal heirs of Gurpreet Singh (deceased) seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The facts necessary for adjudication of the present appeal are that on 09.11.2012, Gurpreet Singh was travelling on a motorcycle bearing registration No. PB-14B-4311 and Darshan Singh was the pillion rider. At about 04:30 A.M., a Truck bearing registration No. PB-02AY-7467 [hereinafter referred to as 'offending vehicle'] was parked in the middle of the road without any signal or reflectors, the motorcycle struck into the offending vehicle, as a result, Gurpreet Singh sustained injuries and died at the spot. DDR

No.9, dated 11.12.2012 was recorded at Police Station Ajnala.

A claim petition was filed under Section 163-A of the Act. The claimants proved that Gurpreet Singh suffered injuries and succumbed to those injuries in road side accident on 09.11.2012 involving the offending vehicle. The Tribunal assessed income of the deceased as ₹40,000/- per annum; 1/3rd deduction for self-expenses was made and multiplier of '17' was applied by considering the age of the deceased as 33 years. The Tribunal awarded compensation of ₹4,62,822/- alongwith interest @ 6% per annum. The amount awarded included ₹9,500/- under the conventional heads.

Learned counsel for the appellants argues that the amount awarded by the Tribunal is on the lower side and needs to be enhanced.

Learned counsel for the appellants has not been able to make out the case for enhancement, as compensation has been awarded strictly according to the structured formula provided under Second Schedule to the Act.

No scope for enhancement is there.

The appeal is dismissed *in limine*.

Since the appeal is being decided on merits, the question of limitation is being left open.

**[AVNEESH JHINGAN]
JUDGE**

May 09, 2019

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1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	No