

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

**CM-7928-CII of 2019 in
F.A.O. No.2953 of 2015(O&M)
Date of Decision: 02.05.2019**

Shamsher Singh and others

.....Appellants.

Versus

The New India Assurance Company Limited and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S,.K.Bishnoi, Advocate
for the applicants-appellants.

LISA GILL, J (Oral).

CM-7928-CII of 2019.

Prayer in the application is for restoration of the appeal which was dismissed in default on 20.02.2019.

It is submitted that non-appearance of the counsel on various occasions was due to circumstances beyond his control and was not intentional or due to any negligence. Said application is duly supported by an affidavit of the counsel.

For the reasons mentioned in the application and the arguments addressed, order dated 20.02.2019, whereby this appeal was dismissed in default, is recalled and appeal is restored to its original number.

At request of learned counsel for the applicants-appellants, main appeal is taken up for hearing today itself.

Application is disposed of.

FAO No. 2953 of 2015.

This appeal has been filed by the claimants seeking

enhancement of the compensation awarded to them by the learned Motor Accident Claims Tribunal, Kaithal, (for short tribunal), vide award dated 27.11.2014.

Petition under Section 163-A of the Motor Vehicles Act (for short 'Act') was filed by the appellants-claimants seeking compensation on account of death of Bimla in a motor vehicle accident which took place on 20.04.2013 on account of the use of the offending bus bearing registration no. HR-64-6543.

Claimants are the husband, four minor children and three married daughters of the deceased.

Learned tribunal on considering the evidence on record concluded that Bimla (deceased) was 45 years old at the time of the accident and rendering services towards her family members as a house-wife and towards agricultural work etc. Her income was assessed as ₹40,000/- per annum . Learned tribunal awarded a sum of ₹7,05,559/-, which is detailed as under:-

1.	Total income of deceased	₹40,000/- p.a.
2.	Deduction of 1/ 4 th on account of personal expenses	₹3300/- (₹3300*1/4=₹825/-) = ₹2475/-
3.	Annual dependency after applying multiplier of 14	₹2475 x 12 x 14 = ₹4,15,800/-
4.	Expenses incurred on last rites and transportation of dead body etc.	₹20,000/-
5.	Medical expenses	₹1,94,759/-
6.	Loss of consortium	₹75,000/-
	Total compensation	₹7,05,559/-

I have heard learned counsel for the appellants at length and

have perused the file with his assistance.

Admittedly, the present appellants filed a petition under Section 163-A of the Act. Compensation necessarily has to be awarded in terms of the Second Schedule of the Act. Learned counsel for the appellants is unable to point out any ground whatsoever for enhancement of the compensation awarded by the learned tribunal.

Keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to interfere in the award dated 27.11.2014, passed by the learned Tribunal, Kaithal, at the instance of the appellants.

Appeal is accordingly dismissed with no order as to costs.

02.05.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.