

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

207

**FAO No. 4912 of 2014
Date of Decision : 22.4.2019**

Ved Pal and another**.....Appellants****v.****Satpal and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Rajesh Bansal, Advocate, for the appellants

Mr. Ajay Singla, Advocate, for respondent No.3/Insurance Co.

AVNEESH JHINGAN, J. (Oral)

The award dated 11.3.2014 passed by Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal') has been assailed by the claimants for enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act').

The facts are summarize below :

On 5.11.2013, Naranjan Singh alongwith Satpal went to Shahabad Grain Market to sell paddy crop. They were returning back on motor cycle bearing registration No. HR-07-K-5824, which was being driven by Satpal. When they reached near ICICI Bank, Ladwa Road, Shahabad (M), a stray calf came on the road. Satpal applied break, as a result thereof, the driver lost control of motorcycle and the riders fell down on the road. Naranjan Singh sustained grievous injuries on his head. He was taken to a private hospital at Shahabad from where he was referred to Government Medical College and Hospital, Sector 32, Chandigarh (GMCH-32). He died during the treatment.

DDR No. 11 dated 6.11.2013 was recorded at Police Post HUDA, Shahabad (M).

A claim petition under Section 163-A of the Act was filed by the sons of Naranjan Singh. The Tribunal assessed the annual earnings of the deceased as ₹39,000/-, made 1/3rd deduction for self expenses and applied multiplier of 5, as the deceased was aged about 69 years. A total sum of ₹1,34,500/-was awarded as compensation alongwith interest @ 7.5% per annum. The amount awarded includes Rs.2000/-as funeral expenses and ₹2500/-on account of loss of estate.

The Tribunal after considering the facts and appreciating the evidence adduced, held that motorcycle bearing registration No.HR-07-K-5824 was involved in the accident. The owner and insurer of the motorcycle were held jointly and severally liable to pay compensation.

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

Learned counsel for the respondents defended the award.

From perusal of the award, it is evident that the Tribunal has calculated the compensation as per the structured formula provided in the Second Schedule to the Act. In proceedings under Section 163-A of the Act, the claimants need not to prove rash and negligent driving of the offending vehicle. There are two restrictions for filing the claim petition under Section 163-A of the Act; firstly, that the annual income of the deceased should be less than ₹40,000/- and secondly, the compensation is to be awarded as per the Second Schedule to the Act.

Learned counsel for the appellants has not been able to

demonstrate that the compensation has not been calculated as per the structured formula provided under the Act. There is no scope for enhancement of compensation.

The appeal is accordingly dismissed.

(AVNEESH JHINGAN)
JUDGE

22.4.2019
Ashwani

Speaking/Reasoned	:	Yes
Reportable	:	No