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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CMs-11113-14-CII-2015 in/and
FAO-3697-2015
Date of Decision: August 26, 2019

Suresh Kumar and another

.....Appellants

Versus

Surender Singh and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Sandeep Thakan, Advocate
for the appellants.

Mr.Ravinder Arora, Advocate
for the Insurance Company.

.....

NIRMALJIT KAUR, J. (ORAL)

CMs-11113-14-CII-2015

For the reasons mentioned in the applications, the same are allowed and delay of 618 days in filing and 179 days in re-filing the appeal is condoned.

FAO-3697-2015

The appeal is filed for enhancement of the Award dated 04.09.2012 vide which the claimants have been granted compensation of ₹3,70,000.00. While praying for enhancement, learned counsel for the appellants submitted that the multiplier 18 should have been applied instead of 15, taking into account that the age of the deceased was 18 years. It is further stated that the income should be taken as ₹40,000.00 whereas ₹36,000.00 per annum has been taken.

Learned counsel for the Insurance Company has, however, pointed out that the claim petition was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short, 'the Act') and, therefore, the amount awarded is on the higher side.

Although there does not seem to be any scope for enhancement taking into account that the multiplier has been applied as per the Schedule of 163-A of the Act, but keeping in view of the facts and circumstances that the child was only 18 years of age, this Court deems it appropriate to enhance the total amount by ₹40,000.00.

Hence, the amount of ₹40,000.00 be paid to the appellant-claimants alongwith interest @ 6% per annum from the date of filing of the claim petition in the same terms as held by the Tribunal within two months from the date of receipt of a certified copy of this order. In case the said amount is not deposited within two months from the date of receipt of a copy of this order, the same shall be deposited alongwith interest @ 12% from the expiry of the said two months.

Disposed of accordingly.

August 26, 2019
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(NIRMALJIT KAUR)
JUDGE

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |