

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 5998 of 2014

Date of decision: 20.5.2019

Dhan Raj and another

.. Appellants

v.

Hardev Singh and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B. D. Sharma, Advocate for the appellants.

...

AVNEESH JHINGAN, J. (Oral)

The award dated 4.12.2013 passed by the Motor Accident Claims Tribunal, Amritsar (for short, 'the Tribunal') has been assailed by the legal representatives of Mukesh Kumar seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 (for short, 'the Act').

The facts necessary for adjudication of the present appeal are that on 8.10.2012, Mukesh Kumar was riding his motorcycle bearing registration No. PB02-BR-2083. He was being followed by his cousin brother-Ankur Kaushal in a separate car. When Mukesh Kumar reached near Adda Sahnewali, Batala Road, he met with an accident with truck bearing registration No. CH-01-B-2794 (hereinafter referred to as 'the offending vehicle'). He died at the spot.

A claim petition was filed under Section 163-A of the Act. In

the claim proceedings, the Tribunal opined that Mukesh Kumar lost his life

in an accident involving the offending vehicle. The deceased was 20 years old at the time of accident. His earning was assessed as ₹3,300/- per month, 1/3rd deduction for self expenses was made and multiplier of '17' was applied. ₹4,500/- was awarded under the conventional heads. A total sum of ₹4,53,000/- was awarded along with interest @ 6% per annum.

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

The claim petition was filed under Section 163-A of the Act. In the proceedings under Section 163-A of the Act, the claimants need not to prove the rash and negligent driving of the offending vehicle but the restriction is that the compensation is to be awarded as per Second Schedule to the Act. There is no challenge to the fact that the compensation has been awarded as per the structured formula.

There is no scope for enhancement.

The appeal is dismissed being without merits.

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

(AVNEESH JHINGAN)
JUDGE

20.5.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No