

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 4765 of 2015 (O&M)
Date of decision : 15.02.2019

Roshni Devi and others

.....Appellants

versus

Sajjan Singh and another

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Kuldeep Singh, Advocate for
Mr. Sudhir Hooda, Advocate
for the appellants

Mr. Pradeep Kumar, Advocate
for respondents No. 2

-.-

Rekha Mittal, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Ram Narain in a motor vehicular accident that took place on 17.08.2012.

The application for compensation has been filed by widow and three children of the deceased under Section 163-A of the Motor Vehicles Act, 1988 (in short, 'the Act').

The Tribunal has awarded compensation of Rs.4,05,500.00, detailed hereunder:-

-Monthly income of the deceased	Rs.3,300.00
-Deduction for personal expenses	1/3 rd
-Multiplier	15
-Loss of dependency	Rs.3,96,000.00
-Funeral expenses	Rs.2,000.00
-Loss of consortium	Rs.5,000.00
-Loss to estate	Rs.2,500.00

The Tribunal, in para 16 of the award, has noticed that the deceased was 44½ years old. The widow of the deceased in her affidavit tendered by way of examination-in-chief has stated that her husband was 44 years at the time of accident. When the case is examined in the light of structured formula laid down in the Second Schedule appended to Section 163-A of the Act, there is no scope for allowing compensation more than what has been assessed by the Tribunal. In this view of the matter, the appeal filed by claimants sans merit and liable to be dismissed.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

15.02.2019
mohan bimbira