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

FAO No.5631 of 2015 (O&M)
Date of Decision: 22.08.2019

Sandeep and another .....Appellants

Versus

Deepak Kumar and another ....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Ms. Ekta Thakur, Advocate
for the appellants.

Mr. R.C. Gupta, Advocate
for respondent No.2-insurance company.

NIRMALJIT KAUR, J. (ORAL)

CM-17765-CII-2015

Allowed, as prayed for.

CM-17764-CII-2015

For the reasons mentioned in the application, the same is allowed and the delay of 32 days in filing of the appeal is condoned.

Main Case

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Chandigarh (for short, the Tribunal), vide award dated 02.03.2015.

While praying for allowing the appeal, learned counsel for the appellants submitted that the income of the house wife was assessed at only ₹15,000/- per annum, whereas, it should have been at least ₹3,000/- per month as per the schedule provided under Section 163-A of the Motor Vehicles Act, 1988 (for short, the Act).

Learned counsel for the insurance company does not dispute the said legal proposition of law as also the fact that the income is to be assessed as ₹3,000/- per month being house wife.

It was further argued by learned counsel for the appellants that

1/3rd deduction could not have been made in the case of house wife. However, the said argument was given up in view of the schedule provided under Section 163-A of the Act, which while fixing the income of the house wife to be taken as ₹3,000/- per month also stipulates that the deduction @ 1/3rd.

In view of the admitted position, the appellants are entitled to the enhanced compensation by taking the income @ ₹3,000/- per month as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹3,000/- per month (3000 x 12 = 36000 per annum)
2	Deduction	1/3rd 1/3rd of 36000 = ₹12000/- (36000 – 12000 = ₹24000/-
3	Multiplier	11
4	Compensation awarded	24,000 x 11 = ₹2,64,000/-
5	Conventional Heads	₹4500/-
6	Total	₹2,68,500/-
7	Compensation awarded by the Tribunal	₹1,14,500/-
8	Differences	₹268500 – 114500 = ₹1,54,000/-

Thus, the enhanced compensation of ₹1,54,000/- be paid to the appellants within two months from today alongwith 6% interest per annum from the date of filing of claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

22.08.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No