IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225 FAO-5441-2016 (O&M)

Date of decision: 16.11.2019

BAL RAM AND ANR ... Appellants

Versus

HARYANA ROADWAYS AMBALA AND ORS ... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ajay Singh, Advocate for the appellants.
Mr. Sandeep Suri, Advocate for the insurance company.
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REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Maneet in a motor vehicular accident that took place on 15.09.2014.

The Tribunal awarded Rs.3,89,600/- in a claim filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act'), detailed hereunder:-

Monthly income of the deceased	Rs.3300/-
Multiplier	14
Deduction for personal expenses	$1/3^{rd}$
Loss of dependency	Rs.3,69,600/-
Expenses on transportation of dead body, funeral and last rites	Rs.20,000/-

Counsel for the appellants would argue that Tribunal has not extended benefit of addition in income for future prospects @ 40%. Appellants may be allowed compensation for loss of love and affection.

Counsel representing the insurance company, on the contrary, would argue that as the claim has been filed under Section 163-A of the Act, compensation is required to be assessed strictly in compliance with structured formula appended to Section 163-A of the Act. It is further argued that compensation allowed under conventional heads needs modification in terms thereof.

Indisputably, the claim has been filed under Section 163-A of the Act and compensation is required to be assessed in compliance with the provisions made in Second Schedule appended thereto. That being so, the appellants cannot claim benefit of addition in income for future prospects or loss of love and affection. However, the Tribunal has applied multiplier of 14 on the basis of age of mother of the deceased in place of appropriate multiplier in the light of Second Schedule. As the deceased was 19 years of age, admissible multiplier is 16. Accordingly, loss of dependency is calculated at Rs.4,22,400/- [(3300 x 12 x 16) – (1/3rd deduction for personal expenses)].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs.4500/-, detailed hereunder:-

1. Loss of estate	Rs.2500/-
2. Funeral expenses	Rs.2000/-

Total compensation is Rs.4,26,900/- and additional amount is Rs.37,300/- (4,26,900 - 3,89,600) payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

16.11.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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