

FAO- 5504 of 2016
Date of Decision: 27.5.2019

Kamlesh and others

---Appellants

versus

Joginder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rajiv Kumar Saini, Advocate, for the appellants

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Wazir in a motor vehicular accident that took place on 4.7.2015.

The application for compensation has been filed under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”).

The Motor Accidents Claims Tribunal, Kurukshetra (in short “the Tribunal”) has awarded Rs.3,93,500/-, detailed hereunder:-

Monthly income of the deceased	Rs. 3200/-
Deduction for personal expenses	1/3rd
Multiplier	15
Loss of dependency	Rs. 3,84,000/-
Funeral expenses	Rs. 2000/-
Loss of estate	Rs. 2500/-
Loss of consortium	Rs. 5000/-

There cannot be dispute that in application under Section 163-A of the Act, compensation is required to be assessed in the light of structured formula laid down in 2nd Schedule appended thereto. When the case is examined in view of 2nd Schedule appended to Section 163-A of the

Act, there is no scope for allowing compensation more that what has been assessed by the Tribunal.

In view of discussion made hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

27.5.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No