

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

-.-

FAO 5883 of 2016

Date of decision: 23.05.2019

Ram Sarup

.....Appellant

Versus

Bachna Ram and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: None for the appellant

Mr. Manish Saini, Advocate for
Ms Sheenu Sura, Advocate
for the respondent-insurance company

-.-

Rekha Mittal, J. (Oral)

The claimant is in appeal seeking enhancement of compensation on account of death of his son namely Salinder in a motor vehicular accident that took place on 23.01.2013.

The Tribunal, in an application filed under Section 163-A of the Motor Vehicles Act, 1988, awarded Rs.3,62,000/-, detailed hereunder:-

-Monthly income of the deceased	Rs.3,300/-
-Deduction for personal & living expenses	50%
-Multiplier	18
-Loss of dependency	Rs.3,60,000/-
-Last rites and funeral expenses	Rs.2,000/-

The Tribunal has allowed deduction of 50% for personal and living expenses as against 1/3rd, admissible in the light of Second Schedule

appended to Section 163-A of the Act. Accordingly, deduction for personal and living expenses of the deceased would be $1/3^{\text{rd}}$. The Tribunal has applied multiplier of 18 but admissible multiplier for age above 20 years but not exceeding 25 years is 17 and accordingly, multiplier of 17 is to be applied. As such, loss of dependency is calculated at Rs.4,48,800.00 (Rs.6,73,200.00 i.e. $3,300 \times 12 \times 17$ - Rs.2,24,400 ($1/3^{\text{rd}}$ deduction)).

Under conventional heads, claimant shall be entitle to additional amount of Rs.2,500/- for loss to estate. A sum of Rs.2,000/- towards funeral expenses allowed by the Tribunal is affirmed.

In view of the above, total compensation is Rs.4,53,300.00 and additional amount is Rs.91,300.00 payable with interest @ 7.5% per annum from the date of petition till realization. The additional amount shall be invested in fixed deposit for a period of three years.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(Rekha Mittal)
Judge

23.05.2019
Mohan Bimbura

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