

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

241

FAO-6610-2016 (O&M)

Date of decision: 25.01.2019

PINKI DEVI AND ORS

... Appellants

Versus

SATISH KUMAR AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Dhruv Sihag, Advocate for the appellants.
None for the insurance company.

REKHA MITTAL, J. (Oral)

The claimants are in appeal seeking enhancement of compensation on account of death of Jagpal in a motor vehicular accident that took place on 03.08.2015.

The Tribunal, in an application filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') has awarded compensation of Rs.3,92,900/-, detailed hereunder:-

1. Monthly income of the deceased	Rs.3200/-
2. Multiplier	15
3. Deduction for personal expenses	1/3 rd
4. Loss of dependency	Rs.3,83,400/-
5. Expenses on funeral	Rs.2000/-
6. Loss of estate	Rs.2500/-
7. Loss of consortium to the widow	Rs.5000/-

The Tribunal has applied multiplier of 15 by considering age of the deceased to be 37/38 years. As per Second Schedule appended to Section 163-A of the Act, admissible multiplier above 35 years but not exceeding 40 years is 16. Accordingly, multiplier of 16 is admissible in the given circumstances. In this manner, loss of dependency is calculated at Rs.4,09,600/- [(3200 x 12 x 16) – (1/3rd deduction for personal expenses)]. Compensation allowed under conventional heads is affirmed.

Total compensation is Rs.4,19,100/- and the additional amount is Rs.26,200/- (4,19,100 – 3,92,900), payable with interest @ 7.5% per annum from the date of petition till realization, to Jainish minor son of the deceased, to be invested in fixed deposit till he attains the age of majority or

for a period of three years, whichever is later.

The appeal is partly allowed in the aforesaid terms.

25.01.2019
ashok

(REKHA MITTAL)
JUDGE

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