

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

FAO-9513-2014 (O&M)

Date of Decision: 16.10.2019

United India Insurance Company Limited

... Appellant

Vs.

Sagar Chanaliya and others

... Respondents

CORAM : HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Lalit Garg, Advocate
for the appellant.

Ms. Rajni, Advocate
for respondents No.1 and 2.

Mr. S.K. Biriwal, Advocate
for respondents No.3 to 7.

NIRMALJIT KAUR, J. (Oral)

This appeal has been filed by the Insurance Company on the ground that the amount paid to the claimants is on the higher side. The claimants are not entitled to 50% future prospects since the claim petition was filed under Section 163-A Motor Vehicles Act, therefore, the claimants are only entitled to the compensation as per the scheduled provided under the Act. Similarly, the amount awarded under the conventional heads could not be more than Rs.9500/- whereas the Tribunal awarded a sum of Rs.1,25,000/-. It is further contended that multiplier of 17 should have been applied instead of 16.

The arguments raised by the learned counsel for the insurance company-appellant is not disputed by the learned counsel for the respondents-claimants in view of the law applicable and well settled proposition of law.

In view of the above discussion, compensation is re-assessed

as under:

Particulars	Amount (in ₹)
Income	₹ 40,000/- p.a.
After 1/3 rd deduction	₹ 26667/-
Multiplier @ 17	₹ 26667 x 17 = 4,53,339/-
Conventional head	₹ 9500/-
Total	₹ 4,62,839/-
Compensation awarded by the Tribunal	₹ 7,65,000/-
Differences	₹ 7,65,000 – ₹ 4,62,839 = ₹ 3,02,161/-

Accordingly, the present appeal is allowed only to the said extent. The amount of ₹ 3,02,161/- is ordered to be reduced from the compensation awarded by the Tribunal.

While passing interim direction, this court had stayed the payment of balance amount beyond 70%. Hence, the appellant is at liberty to recover the excess amount, if any.

16.10.2019
rajeev

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No