

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1166 of 2017
Date of decision: 21.2.2019

Jai Singh

.. Appellant

v.

Dayanand and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Manish Saini, Advocate for the appellant.

...

AVNEESH JHINGAN, J. (Oral)

The award dated 8.7.2016 passed by the Motor Accident Claims Tribunal, Hisar (for short, 'the Tribunal') has been assailed seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 (for short, 'the Act').

The brief facts are that a motor vehicular accident took place on 27.7.2015. The accident proved fatal for Mahabir aged 55 years. In the claim petition filed under Section 163-A of the Act, the Tribunal assessed the monthly earning of the deceased as ₹3,300/-, 1/3rd deduction for self expenses was made and multiplier of 11 was applied. The Tribunal awarded a sum of ₹2,94,900/- along with interest @ 9% per annum. The amount awarded included ₹2,000/- for funeral expenses and ₹2,500/- towards loss of estate. No amount for loss of consortium was awarded as the claimant is the son of the deceased.

Learned counsel for the appellant contends that the compensation awarded is on the lower side.

The contention raised is not well founded. The compensation has been awarded as per the Second Schedule to the Act. In the claim petition filed under Section 163-A of the Act, there is no onus on the claimant to prove rash and negligent driving of the offending vehicle but the restrictions are that the claim petition can be filed only in cases where annual income of the deceased is less than ₹40,000/- and the compensation is to be granted as per the structured formula provided in the Second Schedule to the Act. The Tribunal has awarded the compensation as per the statute. There is no scope for enhancement of compensation.

Accordingly, the appeal is dismissed.

(AVNEESH JHINGAN)
JUDGE

21.2.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No