

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

FAO-8382-2015 (O&M)

Date of decision: 05.11.2019

Kalawati and others

...Appellants

Versus

Jagdish and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh Lamba, Advocate,
for the appellants.

JAISHREE THAKUR, J.

CM-26449-CII-2015

This is an application that has been filed under Section 5 of the Limitation Act seeking condonation of delay of 23 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed.

Delay of 23 days in filing the appeal stands condoned.

FAO-8382-2015

1. This is an appeal that has been filed seeking to challenge the award dated 06.07.2015 passed by the Motor Accident Claims Tribunal, Fatehabad vide which an amount of ₹ 1,41,500/- had been awarded to the claimants.

2. Mr. Rajesh Lamba, learned counsel appearing on behalf of the appellants contends that the compensation that has been awarded is on the

lower side and seeks enhancement of the same.

3. However, this Court is not inclined to interfere with the award as passed by the Tribunal. The claim petition came to be filed under Section 163-A of the Motor Vehicles Act, 1988 seeking compensation on account of death of Lilu Ram, who was aged 66 and earning ₹ 3,300/- per month. The Tribunal followed the summary procedure and the Tabulation as set out in the Second Schedule of the Motor Vehicles Act, took income of the deceased to be ₹ 39,600/- per annum and correctly applied the multiplier of 5 as specified therein and thereafter deducted 1/3rd towards personal expenses of the deceased. The compensation payable to the claimant came to be ₹ 1,32,000/- and thereafter allowed an amount of ₹ 2,000/- towards funeral expenses, ₹ 2,500/- towards loss of estate and ₹ 5,000/- towards loss of consortium to claimant No.1. The Tribunal held that the claimants were entitled to recover ₹ 1,41,500/- as just compensation.

4. Counsel for the appellant has not been able to point out any infirmity in the award passed by the Tribunal since the provision of Section 163-A of the Motor Vehicle Act has been correctly applied by the Tribunal.

Dismissed.

05.11.2019

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.