

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

FAO No.990 of 2015(O&M)

Date of decision: 14.5.2019

Usha Rani and others

.....Appellants

VERSUS

Krishan Gopal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Himmat Singh, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

Insurance company has been served but remains unrepresented.

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ropar (in short 'the Tribunal') on account of death of Harpreet Singh, their son, in a motor vehicular accident that took place on 21.01.2013.

In the petition referred under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act'), the Tribunal has awarded Rs.3,47,700/- detailed hereunder:-

Monthly income of the deceased	Rs.3300/-
Deduction for personal expenses	1/3 rd
Multiplier	13
Loss of dependency	Rs.3,43,200/-
Funeral expenses	Rs.2000/-
Loss of estate	Rs.2500/-

The Tribunal has faulted in applying multiplier of 13 by taking into consideration age of parents of the deceased. In view of the

structured formula provided in the Second Schedule appended to Section 163-A of the Act, since the deceased was 20 years old, appropriate multiplier is 17. In this manner, loss of dependency is calculated at Rs.4,48,800/- [Rs.6,73,200/- (Rs.3300/- x 12 x 17) - Rs.2,24,400/- (1/3rd deduction towards personal expenses)].

Under conventional heads, the Tribunal has awarded Rs.4500/- and the same is affirmed.

In view of the above, total compensation is Rs.4,53,300/- and additional amount is Rs.1,05,600/- (Rs.4,53,300/- - Rs.3,47,700/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

MAY 14, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no