

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

FAO No. 4728 of 2017 (O&M)

Date of decision : January 17, 2019

The New India Assurance Company Limited

.....Appellant

Versus

Babu and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pradeep Kumar, Advocate
for the appellant.

Mr. Chirag Wadhwa, Advocate
for respondents No. 1 to 3.

LISA GILL, J.

Present appeal has been filed by the insurance company challenging award dated 30.03.2017 passed by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal') to the extent that compensation awarded under the conventional heads should be as per Schedule II of Section 163A of the Motor Vehicles Act, 1988 (for short – 'the Act').

The claimants i.e. widow and children of the deceased filed a petition under Section 163A of the Act Vehicles Act seeking compensation on account of death of Rajinder Parshad on 19.05.2015.

Learned Tribunal while holding that Rajinder Parshad died in a motor vehicle accident out of the use of offending vehicle bearing registration No. HR-05AM-0880 awarded a sum of ₹4,59,800/- to the claimants, which is detailed as hereunder:-

<i>Sr.No.</i>	<i>Heads</i>	<i>Calculations</i>
(i)	Total monthly income assessed is	Rs.3300/- per month
(ii)	1/3 rd of (ii) deducted as personal expenses of the deceased=	Rs.1100/-. The amount remains Rs. 3300-1100=Rs.2200/- per month.
(iii)	The assessment of per annum comes to	Rs.2200x12=Rs.26400/-per annum.
(iv)	Compensation after applying multiplier of 07 comes to	Rs.26400x07=Rs.1,84,800/-
(v)	Loss of consortium to petitioner No. 1	Rs.1,00,000/-
(vi)	Loss of love and affection to the petitioners	Rs.1,50,000/-
(vii)	Funeral and transportation charges etc.	Rs.25,000/-
	Total	Rs.4,59,800/-

Sole argument raised by learned counsel for the appellant - insurance company is that compensation under the conventional heads should be as per Schedule II of the Act and not as awarded by the learned Tribunal.

Learned counsel for the respondents No. 1 to 3 is unable to refute the said arguments.

Doubtlessly, the claimants are entitled to a sum of ₹2,000/- for funeral expenses, ₹5,000/- for loss of consortium and ₹2,500/- for loss of estate, instead of ₹1,00,000/- for loss of consortium, ₹1,50,000/- for loss of love and affection and ₹25,000/- on account of funeral expenses, Claimants are, thus, entitled to total compensation of ₹1,94,300/- detailed as under:-

Loss of dependency	₹1,84,800/-
Loss of consortium	₹5,000/-
Loss of estate	₹2,500/-
Funeral expenses	₹2,000/-
Total	₹1,94,300/-

Apportionment of amount of compensation amongst claimants shall be in the same ratio as fixed by the learned Tribunal. Directions of the

Tribunal in respect to manner of disbursement of compensation amount to the claimants and rate of interest shall enure.

With the abovesaid modification in the amount of compensation, present appeal is disposed of.

January 17, 2019
rts

(Lisa Gill)
Judge

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