239

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

****

FAO No.3924 of 2018
Date of Decision: 18.01.2019

Smt. Laxmi Devi and another

Appellants

Versus

IFFCO TOKIO General Insurance Company Ltd.

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.K. Yadav, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for respondent No.1.

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AVNEESH JHINGAN, J (Oral):

The parents of Rakesh Kumar are in appeal against award dated 08.01.2018 passed by the Motor Accident Claims Tribunal, Narnaul [for brevity 'the Tribunal'] seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The brief facts necessary for adjudication of the present appeal are that a motor vehicular accident took place on 20.07.2014. The vehicle involved is motor cycle bearing registration No.HR-34D-3586 [hereinafter referred to as 'offending vehicle']. The accident proved fatal for Rakesh Kumar. As a result of the accident, he sustained injuries and was shifted to Civil Hospital, Mohindergarh, where he was declared dead. DDR No.12, dated 20.07.2014 was lodged at Police Station Kanina.

A claim petition under Section 163-A of the Act was filed. The Tribunal assessed monthly earning of the deceased as ₹3,300/-, ½ deduction for self-expenses was made and multiplier of '17' was applied by considering the deceased as 30 years old. The Tribunal awarded ₹3,41,000/- alongwith interest @ 9% per annum. The amount awarded included ₹4,500/- under the conventional heads.

Heard learned counsel for the parties and perused the paper book.

Learned counsel for the appellants contends that the Tribunal erred in making ½ deduction for self-expenses and multiplier of '17' has been wrongly applied instead of '18'.

Learned counsel for the insurer defends the award but cannot raise any serious objection for calculating compensation in accordance with Schedule-II to the Act.

There is no dispute between the parties with regard to monthly earning of the deceased and the fact that deceased was 30 years old at the time of accident.

In the claim petition filed under Section 163-A of the Act, compensation is to be awarded as per the structured formula provided in the Act itself. In the said formula, deduction is fixed as 1/3rd irrespective of the marital status of the deceased. Hence 1/3rd deduction for self-expenses is to be made. The deceased was in age group of 26-30 years, hence, multiplier of '18' is to be applied.

In view of above discussion, the compensation is re-calculated as under:-

Particulars	***Amount (in ₹)***
Monthly income of the deceased assessed	3,300/-
1/3rd deduction for self expenses	1,100/-
Monthly Dependency	2,200/-
Annual Dependency	26,400/-
Applying multiplier of '18'	**4,75,200/-**
Amount awarded by the Tribunal under conventional heads	**4,500/-**
Grand Total	**4,79,700/-**

The award dated 08.01.2018 is modified to the extent that amount of ₹3,41,000/- awarded by the Tribunal is enhanced to ₹4,79,700/-.

The claimants shall be entitled to enhanced amount alongwith interest as awarded by the Tribunal from the date of filing of the claim petition till the realization of the amount.

The appeal is allowed in the aforesaid terms.

[AVNEESH JHINGAN]
JUDGE

January 18th, 2019
pankaj baweja

1. Whether speaking/reasoned : **Yes**/ No
2. Whether reportable : Yes/ **No**