

In the High Court of Punjab and Haryana at Chandigarh

FAO- 6471 of 2019 (O&M)
Date of Decision: 23.10.2019

Bajaj Allianz General Insurance Company Limited

---Appellant

versus

Amit Singla and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Punit Jain, Advocate
for the appellant

Rekha Mittal, J.

Challenge in the present appeal has been directed against award dated 1.8.2019 passed by the Motor Accidents Claims Tribunal, Mansa, (in short “the Tribunal”) whereby compensation has been assessed on account of death of Anamika Singla in a motor vehicular accident that took place on 18.9.2015.

The Tribunal awarded Rs. 6,38,100/-, detailed hereunder:-

Notional income of the deceased	Rs. 39,600/-
Multiplier	16
Loss of dependency	Rs. 6,33,600/-
Funeral expenses	Rs. 2000/-
Loss to estate	Rs. 2500/-

Counsel for the appellant would argue that the Tribunal has wrongly applied Division Bench judgment of this court **Paramjit Singh and another vs. Dilbagh Singh alias Bagga and others 2014(4)R.C.R. (Civil)895** to hold that no deduction for personal expenses could be made.

It is further argued that as the claim has been filed under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”), compensation is required to be assessed in complete consonance with the structured formula provided in the 2nd Schedule appended to Section 163-A. He would fairly concede that on the basis of 2nd Schedule, admissible multiplier would be 17 and compensation under conventional heads needs enhancement by awarding loss of consortium to the spouse.

Perusal of the award shows that claim has been filed under Section 163-A of the Act. Notional income of the deceased is assessed at Rs. 3300/- per month. Since the claim has been filed under Section 163-A of the Act, deduction for personal expenses to the extent of 1/3rd is allowed. The admissible multiplier would be 17. In this manner, loss of dependency is calculated at Rs. 4,48,800/- [$3300 \times 12 \times 17 = 6,73,200 - 2,24,400 (1/3^{\text{rd}})$].

Under conventional heads, compensation allowed is modified to the effect that claimants shall be entitle to Rs. 9500/-, detailed hereunder:-

Loss of consortium	Rs. 5000/-
Expenses on funeral	Rs. 2,000/-
Loss of estate	Rs. 2500/-

Total compensation is Rs. 4,58,300/- and compensation allowed by the Tribunal is reduced to the extent of Rs. 1,79,800/-. The insurance company shall be entitle to recover the excess amount, if paid, by filing an appropriate application before the Tribunal.

The appeal is partly allowed in the aforesaid terms. The statutory amount of Rs. 25,000/- be remitted to the Tribunal for payment to

the claimants.

Before parting with this order, it is pertinent to mention that compensation has been reduced without notice to the claimants-respondents. The claimants would be at liberty to file an application before this Court if they have any grievance to express. It is further clarified that any observations made hereinbefore shall not cause prejudice to the claimants if they prefer an appeal for enhancement. .

(Rekha Mittal)
Judge

23.10.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No