

FAO No. 1641 of 2018(O&M)
Date of Decision: 30.4.2019

Ramesh Devi and others

---Appellants

versus

Raj Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Raman Chawla, Advocate
for the appellants

Rekha Mittal, J.
CM No. 6284-CII of 2018

Prayer in this application is for condoning delay of 25 days in
filing the appeal.

Allowed as prayed for. Delay of 25 days in filing the appeal
stands condoned.

Disposed of accordingly.

FAO- 1641 of 2018

The claimants are in appeal seeking enhancement of
compensation on account of death of Sanjay Kumar in a motor vehicular
accident that took place on 7.7.2016.

The Motor Accidents Claims Tribunal, Bhiwani (in short “the
Tribunal”) awarded Rs. 4,62,822/-, detailed hereunder:-

Annual income of the deceased	Rs. 40,000/-
Deduction for personal expenses	1/3 rd
Multiplier	17
Loss of dependency	Rs. 4,53,322/-
Loss of consortium	Rs. 5,000/-
Loss of estate	Rs. 2,500/-
Funeral expenses	Rs. 2,000/-

The application for compensation has been filed under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”). Compensation awarded by the Tribunal is in complete consonance with the structured formula laid down in 2nd Schedule appended to Section 163-A of the Act. There is no justification for allowing compensation more than what has been assessed by the Tribunal.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

30.4.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No