

FAO- 4704 of 2019 (O&M)
Date of Decision: 29.1.2020

Smt. Mona Devi and others

---Appellants

versus

Madan Lal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Nannu, Advocate
for Mr. Virendra Rana, Advocate
for the appellants

Rekha Mittal, J.

CM No.15867-CII of 2019

Heard.

Allowed as prayed for. Delay of 13 days in filing the appeal stands condoned.

Main case

The claimants are in appeal seeking additional compensation on account of death of Ram Niwas in a motor vehicular accident that took place on 17.12.2017.

The sole submission made by counsel for the appellants is that compensation allowed under conventional heads namely Rs. 40,000/- for loss of consortium, Rs. 15,000/- for funeral expenses and Rs. 15,000/- for loss of estate is inadequate and needs enhancement.

Perusal of award would reveal that application for compensation was filed under Section 163-A of the Motor Vehicles Act,

1988 (in short “the Act”) wherein compensation is required to be assessed in consonance with the structured formula laid down in 2nd Schedule appended thereto. Compensation allowed under conventional heads is much more than what can be allowed in view of 2nd Schedule. In this view of the matter, contention raised by counsel for the appellants for allowing additional compensation is not tenable.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

29.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No