

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

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FAO-741-2016 (O&M)

Date of decision: 03.02.2020

ANGOORI DEVI

... Appellant

Versus

SANJAY KUMAR AND ORS.

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Barjinder Singh, Advocate for the appellant.
Mr. RC Kapoor, Advocate for insurance company.

REKHA MITTAL, J. (Oral)

The claimant is in appeal seeking additional compensation on account of death of Anand Kumar in a motor vehicular accident that took place on 04.05.2014.

The Tribunal awarded Rs.3,62,000/-, detailed hereunder:-

Annual income of the deceased	Rs.40,000/-
Multiplier	18
Deduction for personal expenses	50%
Loss of dependency	Rs.3,60,000/-
Expenses on funeral	Rs.2000/-

The claim was filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') wherein compensation is required to be assessed in view of structured formula laid down in the Second Schedule appended thereto. As such, deduction for personal expenses would be 1/3rd but admissible multiplier is 17 as the deceased was more than 20 years but less than 25 years. In this manner, loss of dependency is calculated at Rs.4,53,333/- [(40,000 x 17) – (1/3rd deduction for personal expenses)].

Claimant shall be entitle to additional amount of Rs.2500/- towards loss of estate.

Total compensation is Rs.4,57,833/- and additional amount is Rs.95,833/- (4,57,833 – 3,62,000), payable with interest @ 7.5% per annum from the date of petition till realization.

The appeal is partly allowed in the aforesaid terms.

03.02.2020

ashok

**(REKHA MITTAL)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No