

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

FAO No.4569 of 2014 (O&M)

Date of Decision : 22.03.2023

Shanti and another

...Appellants

Versus

Sukhwinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarvesh Kumar, Advocate for the appellants.

Mr. Rajat Kumar, Advocate for
Mr. Amit Jaiswal, Advocate
for the respondents.

Harsimran Singh Sethi J. (Oral)

CM No.12893-CII of 2022

The present application has been filed for impleading the legal heirs of deceased Shanti i.e. one of the appellants, who unfortunately died on 12.02.2020 during the pendency of the appeal.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Legal heirs of Shanti, details of whom have been given in para 2 of the application, are brought on record with all just exceptions. The amended memo of parties is taken on record.

CM No.10482-CII of 2016

The present application has been filed for placing on record reply to the application for condonation of delay on behalf of respondent No.4.

Application is allowed.

Reply is taken on record.

CM No.12955-CII of 2014

The present application has been filed for condonation of delay of 341 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 341 in filing the present appeal is condoned.

Application stands disposed of.

FAO No.4569 of 2014 (O&M)

In the present case, the claim petition was filed under Section 163-A of the Motor Vehicles Act for the grant of compensation.

Keeping in view the facts recorded in the award dated 02.02.2013, compensation to the tune of ₹4,53,300/- has been paid to claimants No.1 and 2 along with interest.

Learned counsel for the appellants argues that the income of the deceased has not been correctly assessed and the same should have been assessed @₹6,000/- per month. In case the said argument is accepted, the yearly income of the deceased will be ₹72,000/- per month. On being asked whether petition will be maintainable under Section 163-A or not, learned counsel concedes the factum that where the income of a victim is more than ₹40,000/- per year, the claim under Section 163-A is not maintainable.

Faced with this situation, learned counsel for the appellants prays that the present appeal be disposed of as having been not pressed any further.

Ordered accordingly.

March 22, 2023

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No