

216(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-1400-CII-2015 and
FAO-506-2015
Date of Decision :12.04.2023

BALBIR AND ORS ...Appellants

Versus

BALBIR SINGH AND ORSRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Randeep Singh, Advocate for the appellants.
Mr. Subhash Goyal, Advocate for respondent No.2/Insurance
Company.

B.S. Walia, J. (Oral)

CM-1400-CII-2015

For the reasons as are mentioned in the application, the same
is allowed. Delay of 26 days in late filing of the appeal is condoned.

Main Case

[1] Challenge in the instant appeal is to award dated 30.08.2014
passed by the learned Motor Accident Claim Tribunal, Karnal (for short –
“the Tribunal”) awarding compensation of Rs.5,63,900/- on account of
death of Smt. Krishna Devi (wife of appellant No.1 and mother of
appellant Nos.2 to 4).

[2] Learned Tribunal by taking into account the age of the
deceased as 40 years, monthly income as Rs.3300/- per month and by
applying multiplier of 14, besides by awarding Rs.2000/- on account of
funeral expenses, Rs.2500/- on account of loss of estate and Rs.5000/- on
account of loss of consortium awarded total compensation of
Rs.5, 63,900/- along with interest @ 7.5% per annum.

since the deceased was 40 years of age, therefore, as per the Schedule to Section 163-A of Motor Vehicles Act, 1988, multiplier of 15 ought to have been applied instead of 14, therefore, compensation payable is liable to be enhanced by taking into account the multiplier 15 instead of 14.

[4] The aforementioned plea of the learned counsel for the appellants has not been disputed by learned counsel for the respondent No.2/Insurance Company.

[5] Accordingly, in view of the position noted above as well as statement of learned counsel for the parties, the multiplier of 15 is held applicable in view of the deceased being 40 years of age in accordance with the Schedule to Section 163-A of the Motor Vehicles Act, 1988.

[6] Accordingly, in the light of the position noted above, details of compensation awarded by the learned Tribunal and the compensation assessed by this Court, are as under :-

Sr. No.	Head	Amount assessed by the Tribunal	Amount assessed by this Court
1.	Income of the deceased assessed	Rs.3300/- per month	Rs.3300/- per month
2.	Future prospects	Nil	Nil
3.	Deduction	Nil	Nil
4.	Multiplier applied	14	15
5.	Compensation awarded	3300x14x12 = 5,54,400/-	3300x15x12 = 5,94,000/-
6.	Funeral Expenses	Rs.2000/-	Rs.2000/-
7.	Loss of estate	Rs.2500/-	Rs.2500
8.	Loss of consortium	Rs.5000/-	Rs.5000/-
9.	Interest	7.5% per annum	7.5% per annum
Total		Rs.5,63,900/-	Rs.6,03,500/-

FAO-506-2015

[3]

8. Accordingly, in the light of the position noted above, the appeal is allowed and award is modified to the extent noted above and as against compensation of Rs.5,63,900/- awarded by the learned Tribunal along with interest at the rate of 7.5% per annum, compensation payable to the appellants/claimants is enhanced to Rs.6,03,500/- along with interest at the rate of 7.5% per annum with effect from the date of the claim petition till date of payment, less payment if any already made.

(B.S. Walia)
Judge

12.04.2023
'Amit'

Whether speaking/ reasoned	:	Yes/No
Whether reportable	:	Yes/No