

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:118711



FAO-4575-2017 (O&M)
DATE OF DECISION : 02.09.2025

RAJBALA DEVI AND OTHERS ... APPELLANTS
V/S
MANOJ AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rahul Jaswal, Advocate for the appellants.

Mr. Vishwajeet, Advocate for respondents No.1 & 2.

Mr. Sanjeev Kodan, Advocate for respondent No.3.

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PARMOD GOYAL, J. (ORAL)

Aggrieved by the impugned award dated 23.12.2016 passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'Tribunal'), claimants – appellants have preferred the present appeal. Vide the impugned award, the claim petition preferred by the claimants-appellants under Section 163-A of Motor Vehicles Act, 1988 was dismissed on the ground that claimants have failed to prove negligence on the part of respondent no.1.

2. Learned counsel for the respondents have fairly accepted that in a case under Section 163-A of Motor Vehicles Act, 1988 finding of negligence is not required as under Section 163-A of Motor Vehicles Act is governed by 'no fault liability'. Admittedly, present claim petition was preferred by the claimants-appellants under Section 163-A of Motor Vehicles Act, 1988 and therefore, learned Tribunal has erred in dismissing the claim petition

preferred by the claimants on the ground that claimants have failed to prove rash and negligent driving of respondent no.1. The claim petition was based upon ‘no fault liability’. Therefore, proving negligence was not required. Accordingly, the finding of learned Tribunal on issue no.1 cannot be sustained and is, accordingly, set aside.

3. It is held that deceased-Rajbir died in motor accident dated 14.06.2015, while pillion riding along with Rambir on motorcycle bearing No. HR-60B-3435. Issue no.1 is accordingly decided in favour of the claimants-appellants. No finding has been given by learned Tribunal on issue nos. 2 and 3.

4. However, in the present case, as per pleadings of the claimants, deceased was earning Rs.3,300/- p.m. This again has gone unrebutted. Accordingly, annual income of the deceased, therefore, would be Rs.39,600/-. As per Second Schedule (*Schedule for compensation for third party fatal accidents/injury cases claims*), deduction to the extent of 1/3rd needs to be applied. The deceased was aged about 23 years at the time of the accident and therefore, multiplier of 18 shall be applicable. Therefore, loss of dependency comes to Rs.4,75,200/- (2,200/- x 12 x 18) as per the Second Schedule. The claimants-appellants are further entitled to funeral expenses of Rs. 2,000/-, loss of estate to the extent of Rs. 2,500/- as per the Second Schedule.

5. Accordingly, claimants-appellants are entitled to compensation of Rs. 4,79,700/- as under:-

Income of deceased	Rs.3,300/- p.m.	Rs.3,300/- p.m. x 12 - Rs.39,600/-
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Deduction on account of personal expenses of deceased	1/3 rd (Rs.3,300/- - Rs.1,100)	Rs.2,200/-
Selection of multiplier	18	18
Loss of dependency	Rs.2,200/- x 18 x 12	Rs. 4,75,200/-
Loss of Estate		Rs. 2,500/-
Funeral expenses		Rs. 2,000/-
Total compensation awarded in the appeal		Rs. 4,79,700/-

6. Let the same be paid by respondent No.3-Insurance Company to the claimants-appellants along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realisation as respondent No.3 has not pressed issue No.3 in absence of any evidence in this regard.
7. Appeal is, accordingly, disposed off in above terms. Pending miscellaneous application(s), if any, shall also stand disposed of.

02.09.2025
Janki

(PARMOD GOYAL)
JUDGE

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