
(2018) 12 P&H CK 0012

In the Punjab And Haryana At Chandigarh

Case No : First Appeal Order No. 640 Of 2015 (O&M)

Smt. Darshan Kaur and others

APPELLANT

Vs

Harjinder Singh and others

RESPONDENT

Date of Decision : 03-12-2018

Acts Referred:

Motor Vehicles Act, 1988 — Section 163A

Citation : (2018) 12 P&H CK 0012

Hon'ble Judges : Avneesh Jhingan, J

Bench : Single Bench

Advocate : Ishan Singh Conner

Final Decision : Dismissed

Judgement

Avneesh Jhingan, J.

The award dated 06.02.2014 passed by the Motor Accident Claims Tribunal, Amritsar, (for short 'the Tribunal') has been assailed by the legal heirs of Kabal Singh seeking enhancement of compensation awarded under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act').

The facts of the case are that on 10.02.2013, Kabal Singh was going on his bicycle from village Thariawal to village Talwandi Khuman. At about 7:00 pm., when he reached near brick kiln of Tara Chand on Jaintipur to Majitha road, he was hit by a Tavera bearing registration No. PB-01-1730. As a result of the impact, he fell down and sustained multiple injuries. He was taken to Guru Nanak Dev Hospital, Amritsar, where he was declared dead. DDR No.9 dated 11.2.2013 was registered at Police Station Kathu Nangal.

A claim petition under Section 163-A of the Act was filed. The Tribunal assessed the monthly earning of the deceased as Rs.3300/- and 1/3rd deduction for self expenses was made. The age of the deceased was taken to be in the age group of 50 to 55, hence, multiplier of 11 was applied. The Tribunal awarded a sum of Rs.3,10,400/- along with interest at the rate of 7.5% per annum. The amount

awarded included Rs.5000/- for loss of estate, Rs.5000/- for funeral expenses and Rs.10,000/- for loss of consortium.

Learned counsel for the appellants contended that the amount awarded by the Tribunal is on lower side.

The contention raised by learned counsel for the appellants lacks merit. An alternative machinery for claiming compensation has been provided under the Act through Section 163-A. In the proceedings under Section 163-A of the Act, the claimants are not required to prove rash and negligent driving of the offending vehicle. The restriction is that the compensation is to be awarded in consonance with the Second Schedule to the Act. The case would fall under Section 163-A of the Act only if the income of the deceased is less than Rs.40,000/- per annum.

A perusal of the award shows that loss of dependency has been calculated as per the Second Schedule, rather, the amounts awarded under conventional heads are on little higher side.

There is no further scope for any enhancement.

The appeal is accordingly dismissed.