

Krishan and Another Vs Sukhdev Singh and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 12, 2012

Acts Referred: Motor Vehicles Act, 1988 " Section 163A

Citation: (2012) 168 PLR 782

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Advocate: K.S. Malik-I, for the Appellant; Vishal Aggarwal, for the Respondent

Final Decision: Allowed

Judgement

K. Kannan, J.

In the petition filed u/s 163-A of the Motor Vehicles Act by the appellants seeking for compensation for death of the boy

aged 20, the Tribunal took the income at Rs. 3,000/- per month, made a 1/3rd deduction but applied a multiplier of 8 on the basis of age of the

parents. If the deceased's annual earning was less than Rs. 40,000/- and a provision is invoked u/s 163-A, it shall be impermissible for a Court to

apply any other formula than what is given in Schedule II. Schedule II provides a uniform rate of application of multiplier to be dependant on the

age of deceased. This provision was found certain curtain several mistakes by judgment of the Supreme Court in U.P. State Road Transport

Corporation and Others Vs. Trilok Chandra and Others, . The provision has stood on without being statutorily modified or struck down by any

judicial pronouncement. Pointing out to a mistake is not the same as striking it down. The various formulas which were admitted to reconcile by a

judgment of the Supreme Court in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, has not suggested anywhere that

Schedule II will be discarded in a petition filed u/s 163-A of the Motor Vehicles Act. The petitioner's parents were entitled to consideration of

assessment in the same manner as provided under the Motor Vehicles Act. Consequently, the income taken as Rs. 3,000/- by the Tribunal shall be

subject to 1/3rd deduction for personal expenses and the annual contribution will have to be taken as Rs. 24,000/-. For a person whose age was

not exceeding 20, the multiplier would be 16 and the loss of dependency will be counted Rs. 3,84,000/-. To this shall be added Rs. 2,000/-

towards funeral expenses and Rs. 2,500/- towards loss of estate. The total compensation payable will be Rs. 3,88,500/-. The amount in excess

what has been awarded by the Tribunal shall carry interest @ 6% per annum from the date of filing of the petition till the date of payment. The

award is modified and the appeal is allowed to the above extent.