**(2012) 09 P&H CK 0292**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** First Appeal from Order No. 4081 of 2011 (O and M)

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| Krishan and Another | | APPELLANT |
| | Vs | |
| Sukhdev Singh and Others | | RESPONDENT |

**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.