

CM-9097-CII-2019 in/and
FAO-2696-2019

2025.PHHC:086656



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CM-9097-CII-2019 in/and
FAO-2696-2019
Date of decision: 16.07.2025

MEENA RANI

...Appellant

Versus

VIPUL AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Simranpreet Singh, Advocate for
Mr. Vikram Singh, Advocate
for the appellant.

HARPREET KAUR JEEWAN , J.

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1. Prayer in the present application is for condonation of delay of 353 days in filing the present appeal.
2. Learned counsel for the applicant contends that the applicant was not aware about the fact that any further appeal could lie against the impugned order passed by the Tribunal and only after her relative informed about the same, she filed the present appeal.
3. I have considered the said contentions.
4. Though there are no justifiable reasons, however, in the interest of justice that no one should be condemned without being heard, the present application is allowed.
5. Delay of 353 days in filing the appeal is condoned.

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Main case

1. The appellant is seeking enhancement of compensation, which was awarded vide Award dated 21.12.2017 passed by the Motor Accident Claims Tribunal, Panipat in MACT case No.09 of 2017.
2. Learned counsel for the appellant submits that as per discussion in para No.22 of the Award, the appellant has proved that she incurred expenditure amounting to Rs.77,812/- on medical bills, which have been proved by PW-2-Karambir Singh, Medical Record Keeper, Prem hospital, Panipat. However, the Tribunal has only awarded a limited amount of Rs.15,000/- as such, she is entitled for enhancement of the compensation.
3. I have considered the aforesaid submissions and perused the paper-book.
4. The appellant had filed a petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act') on account of death of her daughter aged about 21 years, who died on account of injury sustained in a motor vehicular accident, which took place on 03.08.2012. It has come on record that earlier the appellant had filed petition under Section 166/140 of the Act, however, the said petition was withdrawn and thereafter, the petition under Section 163-A of the Act was filed.
5. No doubt the Tribunal has considered the evidence and concluded the total expenditure to Rs.77,812/- on account of medical expenses, however, keeping in view the provisions of Second Schedule under Section 163-A of the Act, granted the compensation towards medical expenses only to the tune of Rs.15,000/-.

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6. It is well-settled that the provisions under Section 163-A of the Act are special provisions as to payment of compensation on structured formula basis. The Second Schedule under Section 163-A of the Act provides structural formula in order to assess and determine the compensation under the said provisions. Clause 3 sub-Clause IV of the Second Schedule under Section 163-A of the Act specifically provides that the sum of Rs.15,000/- can be awarded towards medical expenses, which is maximum and as such, the amount of compensation towards medical expenses cannot exceed the said amount.
7. Keeping in view the fact that the appellant had approached the Tribunal under Section 163-A of the Act, which is based on structural formula and a special provision for awarding the compensation, I see no illegality in the order passed by the Tribunal while awarding compensation to the tune of Rs.15,000/-.
8. Consequently, there is no merit in the present case.
9. As such, the present appeal is dismissed.
10. All the pending miscellaneous applications, if any, shall stand disposed of.

**(HARPREET KAUR JEEWAN)
JUDGE**

16.07.2025

P.Bhatt

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