

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****221****FAO-4217-2008 (O&M)****Date of Decision : 11.02.2025**

Sheetal Devi and Others

....Appellants

VERSUS

Pawan Kumar and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Narinder Pal, Advocate for
Mr. Rajesh Lamba, Advocate for the appellants.

Mr. R.C. Kapoor, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Faridabad vide the impugned award dated 19.08.2008 in a petition under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the 1988 Act').

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

3. The Tribunal in the present case had awarded an amount of Rs.4,32,500/- as compensation alongwith interest @ 7.5%.

4. Learned counsel for the claimant-appellants would contend that the deceased in the present case, who unfortunately died in a motor vehicle accident, was 28 years of age at the time of the accident. Learned counsel for

the claimant-appellants would further contend that the amount of Rs.4,32,500/- awarded towards compensation is on the lower side. The learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the case of **Ram Murti & Ors. Vs. Punjab State Electricity Board [2023 ACJ 631]** to contend that the claimant-appellants would be entitled to Rs.5,00,000/-.

5. Learned counsel for respondent No.3-Insurance Company has contended that the judgment in the case of **Ram Murti** (supra) is not applicable in the present case and that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard the learned counsel for the parties.

7. In the present case, the claim petition was filed under Section 163-A of the 1988 Act. Vide the Motor Vehicles (Amendment) Act, 32 of 2019 Chapter X stands omitted and substituted by Chapter XI. Section 163-A falls in Chapter X of the unamended Motor Vehicles Act, 1988 and the same has now been replaced by Section 164 of the Act.

8. Hon'ble Supreme Court in the case of **Ram Murti** (supra) has held as under :

“7. The provisions of Section 140 which formed a part of Chapter 10 of the Motor Vehicles Act 1988 were omitted by Act 32 of 2019. Simultaneously, Chapter 11 was substituted of which Section 164 provides for payment of compensation in the case of death in the

amount of ₹5,00,000/- and in the case of grievous hurt of ₹2,50,000/-.

8. *We are inclined to give the appellants the benefit of the beneficial provisions which have been enacted by Parliament. Hence, in modification of the order of the High Court, we direct that the appellants shall be entitled to an amount of ₹5,00,000/- as compensation. However, if the amount of ₹50,000 which has been awarded by the High Court has already been paid over, the balance (or the entirety of ₹5,00,000/- if no amount has been paid) shall be paid over to the appellants by 30 November 2022.”*

9. In view of the above, the present appeal is disposed off and the amount of compensation is enhanced to ₹5,00,000/-. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal. Accordingly, the award passed by the Tribunal stands modified. Pending applications, if any, also stand disposed off.

11.02.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO