



FAO-3785-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(110)

FAO-3785-2025

Date of decision: - 02.08.2025

Hanuman

....Appellant

Versus

Som Dutt and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. J.P. Sharma, Advocate,
for the appellant.

VIKAS BAHL, J. (ORAL)

1. The present appeal has been filed by the appellant/injured-claimant seeking enhancement.
2. Vide award dated 25.03.2025, the Motor Accident Claims Tribunal, Narnaul had granted an amount of Rs.2,50,000/- in favour of the appellant/claimant/injured on account of the injuries sustained by him and was also held entitled to interest @ Rs.7.5% per annum from the date of filing of the petition till the date of realization of the amount.
3. On 13.07.2023, the Tribunal had framed the following issues:-

“1. Whether on 03.06.2022, at about 8:00 PM, Hanuman suffered injuries in the accident in question which took place arising out of the use of motorcycle HF Deluxe (Hero) bearing registration No.HR36AG-9577, by respondent No.1? OPP

2. *If issue No.1 is proved, whether the claimant is entitled to any compensation, if so to what amount and from whom? OPP*

3. *Whether respondent No.1 was not holding a valid and effective driving licence at the time of accident in question, if so to what effect? OPR 3*

4. *Relief.”*

A perusal of the award passed by the Tribunal would show that it was observed that since the present claim petition had been filed under Section 164 of the Motor Vehicles Act, 1988 (hereinafter referred to as ‘the 1988 Act’), thus, as per the said provision, the claimant was not required to prove rash and negligent driving on the part of the driver and was only required to prove that the accident had occurred while using the motor vehicle.

4. Under issue No.1, the Tribunal had observed that the present appellant had been able to prove that the accident in question had occurred while using a vehicle i.e. motorcycle bearing registration No.HR-36AG-9577 which was being driven by respondent No.1-Som Dutt and as per the case of the appellant-claimant, he was a pillion rider on the same. In view of the fact that the Motor Accident Claims Tribunal had come to the conclusion that there was use of motor vehicle, thus, the Tribunal found that even without there being proof of rash and negligent driving on behalf of respondent No.1, in accordance with the provisions of Section 164 of the 1988 Act, an amount of Rs.2,50,000/- was required to be paid to him. Thus, under issue No.2/relief clause, the said amount along with interest of 7.5% per annum from the date of filing of the petition till the date of realization of the amount was ordered to be

paid to the present appellant. Under issue No.3, the Tribunal came to a conclusion that respondent No.1 was holding a valid and effective driving license on the date of accident in question and was driving the vehicle while complying with the terms and conditions of the insurance policy issued by the insurance company and accordingly, decided issue No.3 against insurance company.

5. Learned counsel for the appellant has submitted that the present appellant was entitled to a higher amount than the amount which has been awarded. It is further submitted that the appellant had spent huge amount of money in the treatment and medical expenses and the benefit of the same had not been given to him. It is thus submitted that the appeal of the present appellant be allowed and the award dated 25.03.2025 be modified and the compensation awarded to the present appellant be enhanced.

6. It is not in dispute that the claim petition which was filed by the appellant/claimant/injured was under Section 164 of the 1988 Act, which reads as under:-

*“164. Payment of compensation in case of death or grievous hurt, etc. - (1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or **grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.***

(2) In any claim for compensation under sub-section (1),

the claimant shall not be required to plead or establish that the death or grievous hurt in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of compensation shall be reduced from the amount of compensation payable under this section.”

A perusal of the above provision would show that notwithstanding anything contained in this Act or in any other law for the time being in force, in the case of grievous hurt due to any accident arising out of the use of motor vehicle, the maximum compensation that can be paid would be Rs.2,50,000/-.

7. As per the said provision, the claimant is not required to plead or establish that the grievous hurt in respect of which the claim has been made was due to any wrongful act or neglect or the fault of the owner of the vehicle or the vehicle concerned or of any other person. In the present case, there was no FIR and only DDR No. 24 dated 21.07.2022 was registered at Police Station Ateli and it was the case of the appellant/claimant/injured which he has been able to establish while leading evidence to the effect that on 03.06.2022 at about 08:00 PM, he was going towards his village Dongra Ahir on a motorcycle which was being driven by respondent No.1-Som Nath and that the present appellant was the pillion rider and when they reached at Shani Mandir near Canal Silarpur, then in the meanwhile, suddenly an antelope (Neel Cow) came in front of the motorcycle and a vehicle was also passing from opposite



side and thus, the said Som Dutt applied sudden brake to save themselves and resultantly, motorcycle lost its balance and it struck against the wall of the canal and on account of the same, the appellant sustained simple and grievous injuries and Som Dutt also sustained injuries.

8. Since the claim petition was filed under Section 164 of the 1988 Act, the Appellate Court had rightly observed that the appellant was not required to prove rash and negligent driving and was only required to prove that the accident occurred while use of the motorcycle, which fact he had been able to prove. However, once the present appellant had chosen to file claim petition under Section 164 of the 1988 Act, then, the maximum amount of compensation that could have been awarded to the appellant was Rs.2,50,000/- along with interest, which had been awarded by the Tribunal. Learned counsel for the appellant has not been able to show any law on the point that the appellant/claimant/injured is entitled to any further amount than the abovesaid amount in a claim petition filed under Section 164 of the 1988 Act.

9. Keeping in view the abovesaid facts and circumstances, the award passed by the Tribunal is in accordance with law and deserves to be upheld and is accordingly upheld and the present appeal being meritless deserves to be dismissed and is accordingly dismissed.

August 02, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes