

2025:PHHC:027548



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

225

FAO-2699-2016 (O&M)

Date of Decision: 25.02.2025

SANTOSH RANI

.... Appellant

VERSUS

SATISH BAJAJ AND ORS

.... Respondents

AND

225-A

FAO-6849-2016 (O&M)

SATISH BAJAJ & ORS

.... Appellants

VERSUS

KULDEEP SINGH & ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anil Kumar Spehia, Advocate
for the appellant in FAO-2699-2016 and
for respondent No.2 in FAO-6849-2016.

Ms. Ravinder Kaur Manaise, Advocate
for respondents No.1 to 5 in FAO-2699-2016 and
for the appellants in FAO-6849-2016.

None for respondent No.6 in FAO-2699-2016 and
for respondent No.1 in FAO-6849-2016.

ALKA SARIN, J. (ORAL)

1. The present order shall dispose off the two appeals being FAO-2699-2016 preferred by the owner of the truck bearing registration No.PB-03-M-2115 (hereinafter referred to as 'the offending vehicle') and FAO-6849-2016 preferred by the claimants. Both the appeals have been preferred against the award dated 25.03.2016 passed by the Motor Accident Claims

Tribunal, Moga (hereinafter referred to as 'the Tribunal') whereby an amount of ₹8,17,000 (rupees eight lakh seventeen thousand) had been awarded as compensation along with interest @6% per annum from the date of filing of the claim petition till its realization. The parties are being referred to as 'the claimants' and 'the owner of the offending vehicle' for the sake of clarity.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

3. Learned counsel for the owner of the offending vehicle has contended that the amount of ₹8,17,000 (rupees eight lakh seventeen thousand) awarded as compensation by the Tribunal is on the higher side. 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 claimants would be entitled to maximum of ₹5,00,000 (rupees five lakh) only in a petition filed under Section 163-A. It is further the contention of the learned counsel that an amount of ₹2,00,000 (rupees two lakh) was already paid to the claimants as per the compromise which was arrived at between the parties and the said amount of ₹2,00,000 (rupees two lakh) received by the claimants is liable to be adjusted in the compensation to be awarded in their favour.

4. Learned counsel for the claimants is not in a position to rebut the argument of the learned counsel for the owner of the offending vehicle as regards the settled position of law as laid down by the Hon'ble Supreme

Court in the case of **Ram Murti** (supra). She, however, contends that there is not an iota of evidence on the record to show that any amount was paid to the claimants.

5. Heard.

6. Learned counsel for the parties are not in a position to deny the fact as regards the conversion of the claim petition under Section 166 to that under Section 163-A by the Tribunal. The 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 Rs.5,00,000/- and in the case of grievous hurt of Rs.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 Rs.5,00,000/- as compensation. However, if the amount of Rs.50,000 which has been awarded by the High Court has already been paid over, the balance (or the entirety of Rs.5,00,000/- if no amount has been paid) shall be paid over to the appellants by 30

November 2022.”

7. 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 and in view thereof, the judgment of the Hon'ble Supreme Court in the case of Ram Murti (supra) would be fully applicable in the present case.

8. So far as the argument of the learned counsel for the owner of the offending vehicle as regards receipt of ₹2,00,000 (rupees two lakh) is concerned, though HC Gurpreet Singh (CW-3) had stepped into the witness box and had stated that the claimants had received ₹2,00,000 (rupees two lakh) as per the report, however, HC Jagdish Singh (CW-4) had stated that he had not seen the claimants receiving any compensation. Learned counsel for the owner of the offending vehicle has not been able to point out any cogent evidence on the record to even remotely suggest that any amount was paid to the claimants. In the absence of any such evidence, the argument of the learned counsel for the owner of the offending vehicle is rejected.

9. In view of the above, the impugned award passed by the Tribunal is modified and the claimants would be entitled to compensation to the tune of ₹5,00,000 (rupees five lakh) only. The interest @ 6% as granted by the Tribunal is maintained. The amount shall be apportioned between the claimants as directed by the Tribunal.

10. Accordingly, the appeal filed by the owner of the offending vehicle being FAO-2699-2016 is disposed off and the appeal filed by the

claimants being FAO-6849-2016 is dismissed. Pending applications, if any, also stand disposed off.

25.02.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*