



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

**(1) FAO-4210-2001
Judgment reserved on 16.07.2026
Judgment pronounced on 22.07.2026**

SMT. JOGINDERO DEVI AND OTHERS

... APPELLANTS

VERSUS

SMT. RAJINDER KAUR AND ANOTHER

...RESPONDENTS

**(2) FAO-4212-2001 (O&M) with
XOBJC-38-CII-2004**

PARKASH AND ANOTHER

... APPELLANTS

VERSUS

SMT.RAJINDER KAUR

...RESPONDENT

**(3) FAO-4213-2001 (O&M) with
XOBJC-39-CII-2004**

SMT. KAILASH KAUR AND OTHERS

... APPELLANTS

VERSUS

SMT. RAJINDER KAUR AND ANOTHER

...RESPONDENTS



(4)

**FAO-4214-2001 with
XOBJC-40-CII-2004****RAKHA RAM****... APPELLANT****VERSUS****SMT. RAJINDER KAUR AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Ashit Malik, Senior Advocate with
Mr. Maneet Kaushik, Advocate
for the appellant.

Ms. Madhu Sharma, Advocate
for respondent No. 2.

PARMOD GOYAL, J.

1. Present appeals have been preferred by appellants-claimants being aggrieved by the quantum of compensation awarded by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal'), vide award dated 02.11.2000. Before learned Tribunal five Claim petitions (2 by injured persons Sinder Pal and Rakha Ram and 3 by LR's of deceased Joginder Pal, Rajinder Singh and Bulaqi Ram) were preferred which were decided by common award dated 02.11.2000.

2. FAO No.4211 of 2001 filed by injured Sinder Pal titled as **Sinder Pal v. Smt. Rajinder Kaur and another** has already been decided by this Court vide judgment dated 05.09.2025, whereby the petition filed under Section 163-



A of the Motor Vehicles Act, 1988 (hereinafter referred to as ‘Act’) was treated as one filed under Section 164 of the Act and the compensation was enhanced to Rs.2,50,000/-.

3. Details of five claim petitions decided by the learned Tribunal vide common award dated 02.11.2000 are as under:

Sr. No.	Case Title before MACT	MACT Case No.	FAO No.	Claim Pertains To	Compensation Awarded by Tribunal
1.	Smt. Jogindero Devi & Others v. Smt. Rajinder Kaur & Another	38 of 1998	FAO No. 4210 of 2001	Death of Joginder Singh	Rs.2,41,000/-
2.	Sinder Pal v. Smt. Rajinder Kaur & Another	37 of 1997	FAO No. 4211 of 2001	Injuries to Sinder Pal	Rs.25,000/- with interest @12% per annum (enhanced by this Court to Rs.2,50,000/- vide judgment dated 05.09.2025)
3.	Parkash & Another v. Smt. Rajinder Kaur	36 of 1998	FAO No. 4212 of 2001 (with XOBJC No. 38-CII of 2004)	Death of Rajinder Singh	Rs. 1,49,000/-
4.	Smt. Kailash Kaur & Others v. Smt. Rajinder Kaur & Another	35 of 1998	FAO No. 4213 of 2001 (with XOBJC No.-39-CII of 2004)	Death of Bulaqi Ram alias Nagu Ram	Rs. 4,63,000/-
5.	Rakha Ram v. Smt. Rajinder Kaur & Another	36 of 1997	FAO No. 4214 of 2001 (with XOBJC No. 40-CII of 2004)	Injuries to Rakha Ram	Rs. 35,000/-



filed under Section 163-A of the Act, learned counsel for the appellants-claimants has contended that the appellants-claimants are entitled to compensation in terms of the fixed lump-sum amount prescribed under Section 164 of the Act, as amended with effect from 01.04.2022.

5. Facts in the present case are not in dispute. The accident had taken place on 28.05.1997. The claim petitions were filed under Section 163-A of the Act and compensation was awarded under the said provision. It is also not in dispute that with effect from 01.04.2022, amended Section 164 of the Act came into force, whereby fixed compensation of Rs.5,00,000/- in case of death and Rs.2,50,000/- in case of grievous hurt is prescribed.

6. The only question which requires adjudication is whether amended Section 164 of the Act would have retrospective effect and apply to the cases where the accident had taken place prior to 01.04.2022.

7. The above issue is no longer res integra. Hon'ble Supreme Court in **Roopa v. The Manager, Orix Auto Infrastructure Service Ltd. and another**, Civil Appeal No.6797 of 2026 decided on 27.04.2026; **The New India Assurance Co. Ltd. v. Urmila Halder**, 2025 ACJ 244; and **K.R. Jagadish and another v. M/s National Insurance Company Ltd. and another**, 2025 ACJ 188, has dealt with the said issue and held that the Motor Vehicles Act is a beneficial legislation and amendment incorporated under Section 164 is procedural in nature. Therefore, compensation as prescribed under amended Section 164 can be awarded even in cases where the accident had occurred prior to the amendment. In view of the authoritative pronouncements of the Hon'ble Supreme Court, Section 164 of the Act being procedural in nature has



retrospective application and the appellants-claimants are entitled to compensation as provided therein.

8. In view of the foregoing discussion, the appellants in the respective appeals are held entitled to compensation under Section 164 of the Act. Accordingly, the legal representatives of deceased Joginder Pal, Rajinder Singh and Bulaqi Ram shall be entitled to total compensation of Rs.5,00,000/- in their respective petition. Amount already awarded and paid to LR's of deceased, if any, be adjusted and remaining be paid. The injured appellant, namely Rakha Ram, shall be entitled to total compensation of Rs.2,50,000/-. Amount already awarded and paid to claimant Rakha Ram, if any be adjusted and remaining be paid.

9. The appellants shall also be entitled to interest on the enhanced compensation at the same rate as awarded by the learned Tribunal from the date of filing of the claim petitions till realization, in terms of the judgment of this Court in FAO No.4211 of 2001 (**Sinder Pal v. Smt. Rajinder Kaur and another**) decided on 05.09.2025. The apportionment amongst the claimants and liability to satisfy the award shall remain the same as determined by the learned Tribunal.

10. The Insurance Company has filed cross-objections in FAO **Nos.4212 of 2001, 4213 of 2001 and 4214 of 2001.**

11. Connected appeal, titled as Shinde Pal Vs. Rajinder Kaur & Another bearing FAO No.4211 of 2001, was decided by this Court on 05.09.2025 in the presence of learned counsel for the Insurance Company, the cross-objections were not pressed in said appeal.



12. Learned counsel for Insurance Company has argued that the injured and deceased persons were travelling in a goods vehicle and, therefore, the Insurance Company is not liable to pay compensation. However, in present cases, appellants-claimants have specifically pleaded that they had hired the goods vehicle for transporting marriage/dowry articles and were travelling therein to safeguard their goods being carried in truck being owner/authorized representative of owner. They were thus travelling as owners/authorized representative of owner of the goods and cannot be treated as gratuitous passengers.

13. Consequently, the Insurance Company cannot escape its statutory/contractual liability to indemnify owner and pay compensation to appellants-claimants and is liable to satisfy the award.

14. In view of the above discussion, FAO No.4210 of 2001, FAO No.4212 of 2001, FAO No.4213 of 2001 and FAO No.4214 of 2001 are allowed in the aforesaid terms. The impugned common award dated 02.11.2000 passed by the learned Motor Accident Claims Tribunal, Karnal, stands modified accordingly.

15. Cross-objections bearing XOBJC-38-CII-2004, XOBJC-39-CII-2004 and XOBJC-40-CII-2004 are dismissed being without any merit.

16. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.



17. A photocopy of this order be placed on the files of other connected cases.

16.07.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No