

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

FAO No. 271 of 2003 (O&M)

DATE OF DECISION :- April 17, 2023

Inder Singh (deceased through his Lrs) and others

...Appellants

Versus

Charanjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Nand Lal Sammi, Advocate with
Mr. Hitesh Kumar Sammi, Advocate for the appellant.

Mr. Vinod Gupta, Advocate for respondent No. 3.

Briefly stated the facts of the case are that on account of death of Romesh Singh in a motor vehicular accident which took place on 2.6.1998 at about 10.00 P.M in the area of 3 Kms ahead of Mehlan Chowk towards Bhawanigarh side on account of use of Truck No. PCX-1185 being driven by Kuldeep Singh respondent No. 2, legal representatives of such deceased namely his father Sh. Inder Singh, aged about 65 years, mother Smt. Surjit Kaur, aged about 60 years, unmarried sister Manjit Kaur, aged about 21 years, minor brother Daljit Singh had filed a claim petition under Section 163-A of the Motor Vehicles Act, 1988 against Charanjit Singh and Kuldeep Singh, being driver/owner of the Truck as well as The New India Assurance Co. Ltd, Baradari, Patiala, insurer of the said vehicle.

After contest, the Motor Accident Claims Tribunal, Patiala vide Award dated 18.10.2002 had granted a compensation of Rs.50,000/- with

interest and cost to claimants No. 1 and 2 payable by all the three respondents jointly and severally with interest at the rate of 9% per annum from the date of filing of claim petition till date of recovery/payment.

Finding the compensation so awarded to be on lower side, the claimants have approached this Court by way of filing the appeal, notice of which was given to the respondents and today respondent No. 3 has put in appearance through counsel.

I have learned counsel for the parties besides going through the record.

Learned counsel for the appellants has contended that in terms of the amendment made in the second schedule under Section 163A of the Motor Vehicle Act, 1988 vide notification dated 22.5.2018 by Ministry of Road Transport And Highways, Government of India, in case of fatal accidents the compensation payable shall be Rs.5 lakhs and as per Section 164 of the Motor Vehicles Act, 1988, it has been provided that notwithstanding anything contained in the Act or in any other law for the time being in force or instrument the owner of the motor vehicle or the authorized insurer shall be liable to pay in case of death, a compensation for a sum of Rs.5 lakhs, therefore, the compensation be enhanced to that amount. Whereas the prayer is being opposed by learned counsel for the Insurance Company stating that the enhancement is to be applicable with prospective effect and not to the earlier pending cases.

However, after hearing learned counsel for the parties, I find that since appeal against Award has been pending and appeal is nothing but continuation of proceedings initiated under Section 163A of the Motor Vehicle Act, 1988 which is a piece of social and welfare legislation enacted

to provide relief to victims of road side accident/their family members. The compensation in this case deserves to be enhanced to Rs. 5 lakhs.

Under the circumstances, the appeal is partly accepted. The compensation awarded by the Motor Accident Claims Tribunal, Patiala to the tune of Rs.50,000/- is enhanced to Rs. 5 lakhs with costs throughout payable by all the three respondents jointly and severally from the date of filing of claim petition till actual realization with interest at the rate of Rs.7.5% per annum.

(H.S. MADAAN)
JUDGE

April 17, 2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No