



FAO-3357-2003 (O&M)
FAO-3660-2003 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208-s

1. FAO-3357-2003 (O&M)
Decided on : 05.12.2024

Simran Bajaj ... Appellant(s)

Versus

Satish Kumar Chugh and another ... Respondent(s)

2. FAO-3660-2003 (O&M)

Simran Bajaj ... Appellant(s)

Versus

Satish Kumar Chugh and others ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jagdish Manchanda, Advocate,
for the appellants(s).

Mr. Suman Jain, Advocate and
Mr. Man Mohan, Advocate
for respondent No.2 – Insurance Company.

SANJAY VASHISTH, J. (Oral)

1. This common order shall dispose of two appeals i.e FAO-3357-2003 and FAO-3660-2003, filed by the appellants/claimants, as both the appeals are interconnected, and have arisen out of the same and common award dated 13.05.2003 (hereinafter referred to as 'Award') passed by learned Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as 'Ld. Tribunal').

2. FAO-3357 of 2003 has been preferred by the appellant(s)/claimant(s) i.e Simran Bajaj with regard to the death of her mother Sunita Bajaj (deceased), for the enhancement of compensation amount, over and above the amount awarded by Ld. Tribunal, in claim petition i.e MACT Case No 133 of 2001 under section 166 and 163-A of the Motor Vehicle Act, 1988 (in short, 'MV Act').



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3. FAO-3660 of 2003 has been preferred with regard to the death of Rajinder Kumar Bajaj (deceased) by (1) Simran Bajaj (daughter of deceased) (appellant/claimant) and (2) Parkash Bajaj (mother of deceased) (Performa Respondent) , , for the enhancement of compensation amount , over and above the amount awarded by Ld. Tribunal in the claim petition i.e MACT Case No 134 of 2001 filed under section 166 and 163-A of the MV Act.

4. Claimants were able to prove death of deceased(s) due to road accident caused by the use of vehicle Maruti car no- CH-01P-1557, thereby Ld. Tribunal has decided the claim petition(s) MACT Case no.133/2001 and MACT Case no. 134/2001 presented u/s 163-A by applying structural formula given in the second schedule of the Act and accordingly awarded, compensation to the tune of Rs. 2,71,500/- and Rs. 2,98,000/- respectively.

5. Briefly stated facts of this case is that the deceased Rajinder Kumar was driving Maruti car no.CH-01P-1557 and was travelling with his wife Sunita, son Tarun and daughter Simran Bajaj (claimant). On 1.11.2001 all of them were coming in the same car from Ambala to Karnal, when they reached near ITI Chowk, Karnal they met with an accident around 4:03 am in which Rajinder Kumar (father of appellant No.1), Sunita (mother of appellant) and Tarun (brother of appellant) died on spot. FIR No. 371 u/s 279, 304A of IPC P.S. Civil Lines, Karnal was registered on 1.11.2001 by PW2 Amarjit who was travelling along , but in a separate car.

6. Ld. Counsel for appellants/claimants submits that in view of the amended provision of the Act, i.e. section 164 of the MV Act (un-amended Section 163-A of the MV Act), the appellants/claimants are entitled to the minimum compensation amount of Rs. 5 Lacs. To substantiate his plea, counsel relies upon the judgment of this court passed in **FAO-4708-2004**, titled as,



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“Vijay Kumar Goyal v. Pankaj Kumar and others”, decided on **13.08.2024**
(2024 NCPHHC 105683 : Law Finder id # 2638736).

7. Further, strengthening his submissions, learned counsel for appellants relies upon the judgment of Hon’ble Apex Court rendered in Ram Murti and others v. Punjab State Electricity Board, 2023 ACJ 631 : Law Finder id # 2091451, and submits that in the cited case, accident had taken in the year 1991 and award in question was dated 12.04.1994. Hon’ble Apex Court addressed the provision of Section 164 of the MV Act 1988, wherein, compensation payable to claimants in case of death is fixed as Rs.5.00 Lacs and in case of grievous injuries as Rs. 2.5 Lacs.

8. On the other hand, Mr. Man Mohan Advocate, for respondent No.2 is not in a position to controvert the legal position as laid down by the Hon’ble Apex Court in the case of Ram Murti’s case (supra) and this Court in Vijay Kumar Goyal’s case (supra).

9. In view of the aforementioned reasons, the impugned award dated 13.05.2003 is hereby modified to the extent that appellant(s)/claimant(s), are entitled to a compensation amount of **Rs.5,00,000/- (Rupees Five Lacs only)** in each of the appeals, in view of the amended provision of Law i.e. Section 164 of the MV Act, with the same terms, which have been mentioned by Ld. Tribunal.

10. However in the appeal FAO No.3660 of 2003, out of the said amount, 60% of the amount be paid to appellant – daughter and 40% be paid to the mother of deceased (performa respondent No.3), and if the appellant – daughter is the sole alive person, in that case, the complete compensation amount as ordered by this Court would be payable to her only.

Let the awarded amount of Rs.5,00,000/- (Rupees Five Lacs only)



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be paid to the appellant(s)/claimant(s) within a period of three months from today by respondent No.2 – Insurance Company, failing which, the compensation amount would be payable to the appellant(s)/claimant(s) along with interest @ 9% per annum from the date of passing of this order till its final payment/realization.

And, in case, any further delay is caused beyond six months from today, the compensation amount would be payable along with interest @ 12% per annum from the date of passing of this order.

11. Needless to mention that out of the total payable compensation amount, already paid amount (if any) in compliance to the impugned award would be adjusted.

Thus, by recording aforesaid terms, both appeals stand partly allowed and disposed of accordingly.

Misc. application(s), if any, also stands disposed of.

A photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

December 05, 2024
J.Ram

Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No