

R-473
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4203-2009 (O&M)
Date of decision : 23.01.2024

RAJNI SAINI & ORS. ... Appellant(s)

Versus

JANAK RAJ & ORS. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arvinder Arora, Advocate for the appellants.

Mr. Ankur Gupta, Advocate
for respondent No.3-Insurance Company.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants challenging the award dated 27.05.2009 passed by the Motor Accident Claims Tribunal, Ambala whereby an amount of Rs.3,00,000/- had been awarded as compensation along with interest @ 7% per annum from the date of filing of the petition till realization.
2. It has been brought to the notice of this Court that the claim petition was filed under Section 163-A of the Motor Vehicles Act, 1988 and hence there would be no question of future prospects.
3. Learned counsel for the claimant-appellants has contended that the amount of Rs.3,00,000/- awarded as compensation by the Tribunal is on the lower 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]** wherein it has been 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.”

4. Learned counsel would further contend that drawing parity from the aforesaid judgment, the claimant-appellants would also be entitled to at least Rs.5,00,000/-.

5. Learned counsel for respondent No.3-Insurance Company has contended that the judgment in the case of **Ram Murti** (supra) is not applicable in the present case and that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard the learned counsel for the parties.
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. In view of the above, the present appeal is disposed off and the amount of compensation is enhanced to Rs.5,00,000/-. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal. Accordingly, the award passed by the Tribunal is modified. Pending applications, if any, also stand disposed off.

23.01.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO