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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-6729-2016 (O&M)
Date of decision : 29.01.2024

Usha Rani & Anr. ... Appellant(s)

Versus

Surjeet Singh & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bikram Chaudhary, Advocate for the appellants.
Mr. Hardeep Singh, Advocate for respondent No.1.
Mr. Harsh Chopra, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-23406-CII-2016

1. This is an application for condonation of delay of 1077 days in filing the appeal.
2. For the reasons stated in the application, delay of 1077 days in filing the appeal is condoned. CM stands disposed off. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor

Accident Claims Tribunal, Patiala vide award dated 24.05.2013.

4. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

5. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.1,500/-
2	Annual income	[Rs.1,500 x 12] = Rs.18,000/-
3	Deduction 1/3 rd	[Rs.18,000 - 6,000] = Rs.12,000/-
4	Multiplier of 16	[Rs.12,000 x 16] = Rs.1,92,000/-
5	Funeral expenses	Rs.5,000/-
6	Love and affection	Rs.5,000/-
7	Total Compensation	Rs.2,02,000/-
	Interest	7.5% per annum

6. Learned counsel for the claimant-appellants would contend that the child in the present case, who unfortunately died in a motor vehicle accident, was 5 years of age at the time of the accident. The learned counsel for the claimant-appellants would further contend that the amount of Rs.2,02,000/- awarded towards compensation is on the lower side. The 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.”*

7. 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/-.

8. 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.

9. Heard the learned counsel for the parties.

10. In the present case the claim petition was filed under Section 163-A of the Motor Vehicles Act, 1988. 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.

11. 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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal. 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.

29.01.2024

Yogesh Sharma

(ALKA SARIN)

JUDGE

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