

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

(233)

FAO no.2387 of 2003(O&M)

Reserved on: 10.11.2025

Pronounced on :12.11.2025

SAKINDER KAUR AND OTHERS

.....APPELLANTS

VERSUS

SHAM SUNDER AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. H.K. Brinda, Advocate for
Mr. Dharam Pal, Advocate
for appellants.

Mr. Ajay S. Dhiman, Advocate for
Mr. Vijay Lath, Advocate for respondent No.1

Mr. Lalit Garg, Advocate for respondent No.3

VIRINDER AGGARWAL, J.

1. This appeal has been filed by the claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Ropar, vide award dated 14.02.2003 passed under Section 163-A of the Motor Vehicles Act, 1988 on account of the death of Jagdish Singh in a motor accident which occurred on 26.07.2000.

BACKGROUND FACTS

2. The brief facts of the case are that on 26.07.2000 at about 3:00 p.m., Jagdish Singh, who was standing near Chungi Detori, Jawahar Market, Nangal, along with his son Mohinder Singh, was struck by a Maruti Van bearing

registration No. (HR-01-F-0258), which approached from the Nangal side and was allegedly being driven by respondent No.1 at a high speed and in a rash and negligent manner. The impact dragged the deceased for a distance of approximately 50 yards, causing grievous injuries from which he succumbed while being taken to PGI, Chandigarh. The claimants thereafter instituted the present claim petition under Section 163-A of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Jagdish Singh.

3. The learned Tribunal, while adjudicating the claim under Section 163-A of the Motor Vehicles Act, 1988, applied the structured formula prescribed in the Second Schedule and held that the accident resulting in the death of Jagdish Singh stood established from the pleadings and evidence on record. Respondents No.1 and 2 had themselves admitted the occurrence of the accident in their written statement and had not led any evidence to dispute the same, leading the learned Tribunal to conclude that the deceased had died in a motor vehicular accident involving Maruti Van No. (HR-01-F-0258) driven by respondent No.1. Since the petition was one under Section 163-A requiring computation strictly in terms of the Second Schedule, the learned Tribunal treated the deceased as an unskilled labourer in the absence of any proof of his employment, income or driving licence, and determined his age as 62 years on the basis of the DDR on record, which was lodged by deceased 2 years prior to accident in question on account of loss of his documents and he described his age as 60 years at that time. Thus, the learned tribunal applied the statutory multiplier of 5 as provided in the Second Schedule. With regard to liability, the learned Tribunal found the driving licence produced by respondent No.1 to be not genuine, thereby constituting a breach of policy conditions. Notwithstanding this breach, the learned Tribunal concluded that respondents No.1 and 2 were jointly and severally liable for the accident, but directed the

Insurance Company to satisfy the award in favour of the claimants, granting it the right to recover the amount from respondent No.2, the owner of the vehicle. The learned Tribunal accordingly awarded a sum of ₹1,29,500/-, along with interest at rate of 9% per annum, holding respondents No.1 and 2 jointly and severally liable, but directing respondent No.3 (Insurance Company) to pay the amount to the claimants with right of recovery against the owner.

CONTENTIONS

4. The learned counsel for appellants contended that the compensation awarded by the learned Tribunal is grossly inadequate. It is urged that the learned Tribunal erred in taking the deceased's income even though proved by evidence. Further, learned Counsel contended that the learned Tribunal erred in assessing his age as 62 years instead of 58 years as per the post-mortem report (Ex.P2). It is argued that the learned Tribunal failed to consider that the deceased was maintaining a large family, including blind dependents, resulting in an unduly low assessment of dependency. Further, learned counsel for appellant stated that the multiplier of 5 applied by the learned Tribunal is also challenged as incorrect and on the lower side, leading to an unjust computation of compensation. In addition, learned counsel asserted that the learned Tribunal has failed to award compensation under various conventional heads such as loss of consortium, loss of estate and funeral expenses in accordance with the principles laid down by the Hon'ble Supreme Court in ***Sarla Verma v. DTC, 2009 (6) SCC 121 and National Insurance Co. v. Pranay Sethi, 2017 (16) SCC 680***, thereby further reducing the just entitlement of the claimants.

5. Learned counsel appearing for respondent No.1 & 2 has supported the findings and conclusions recorded by the learned Tribunal. It is submitted that the award has been passed after due appreciation of the evidence on record and

that the learned Tribunal has rightly assessed the facts and determined the liability in accordance with law. The counsel contends that the impugned award is well-reasoned, just, and does not call for any interference by this Court.

6. The learned counsel for the respondent No.3 (Insurance Company) contends that since the driving licence produced by respondent No.1 was found to be not genuine, there was a clear breach of the terms and conditions of the insurance policy. The counsel submits that the Insurance Company is entitled to full recovery rights against respondent No.2, the owner of the offending vehicle, after satisfying the award and accordingly supports the Tribunal's findings to the extent they recognize the insurer's right to recover the amount from the owner.

OBSERVATIONS AND FINDINGS

7. Having heard learned counsel for the parties and examined the record, this Court finds no ground to interfere with the well-reasoned award of the learned Tribunal.

8. At the outset, it deserves to be noted that the claim petition itself was filed under Section 163-A of the Motor Vehicles Act, 1988, which provides for compensation on the basis of a no-fault liability and mandates computation strictly in terms of the structured formula contained in the Second Schedule. Furthermore, in proceedings under Section 163-A, the learned Tribunal is not required to undertake a detailed inquiry into the negligence of the parties nor is compensation to be determined on the principles applicable to petitions under Section 166 Motor Vehicle Act, 1988. Therefore, the claimants cannot in an appeal arising out of a petition under Section 163-A, seek enhancement on the basis of parameters applicable to a fault-based claim under Section 166 of the Motor Vehicle Act, 1988.

9. In the present case, the learned Tribunal has correctly applied the structured formula as it stood on the date of the accident(26.07.2000) and the date of award(14.02.2003). With respect to the age of the deceased, it was asserted that the age of deceased is 58 years as per the Post Mortem Report (Ex. P2). However the learned Tribunal has relied upon the D.D.R. (Mark-A) placed on record, wherein the deceased himself disclosed his age as 60 years in 18.08.1998, thereby rightly assessing his age as 62 years at the time of the accident. Further, for this age group, the Second Schedule prescribes a multiplier of 5, and the learned Tribunal has rightly applied the same. No document to the contrary was produced by the claimants, and therefore the finding of the learned Tribunal on age cannot be faulted.

10. With regard to the income of the deceased, the claimants had asserted that he was working as a driver earning ₹5000 per month. However, no document, salary record, driving licence, or any supporting material was produced to substantiate the said claim. In the absence of any proof of skilled employment, the learned Tribunal was justified in assessing the income by treating the deceased as a labourer and determining his monthly earnings at ₹3,000, which aligns with the daily minimum wages applicable on prevailing year of 2000. Thereafter deducting 1/3rd personal expenses as required under the Schedule, the learned Tribunal has correctly calculated the annual dependency(₹24000) and after applying the multiplier of 5 the compensation was calculated at ₹1,20,000. Further, conventional heads towards funeral expenses(₹2000/-), loss of consortium(₹5000/-) and loss of estate(₹2500/-) have also been awarded as per the applicable second schedule of the Act. The total computation (₹1,29,500) is thus in strict conformity with the statutory mandate, leaving no scope for modification or enhancement. Therefore, this Court finds that the learned Tribunal has examined the matter strictly within the

parameters of Section 163-A, has correctly applied the structured formula of the Second Schedule, and has passed a reasoned and lawful award. The appellants cannot seek reassessment of income, age, or multiplier by importing standards applicable under Section 166, which has no application to a statutory, no-fault claim under Section 163-A.

11. In view of the above discussion, no ground for enhancement of compensation is made out. The award of just compensation passed by the learned Tribunal does not suffer from any infirmity warranting interference by this Court in the exercise of appellate jurisdiction.

12. Accordingly, finding no merit in the appeal, the same is **dismissed**.

13. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

12.11.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No