



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-6121-2019 (O&M)

Date of decision: 15.09.2025

Reena and others

...Appellant(s)

Vs.

Sohan Lal and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Raghav Sharma, Advocate for the appellants.

NIDHI GUPTA, J.

CM-20275-CII-2019

Prayer in this application filed under Section 151 CPC is for condonation of delay of 38 days in refiling the accompanying appeal.

2. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.4, the same is allowed and delay of 38 days in refiling the accompanying appeal is condoned.

CM-20277-CII-2019

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 38 days in filing the accompanying appeal.

2. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.4, the same is allowed and delay of 38 days in filing the accompanying appeal is condoned.

**FAO-6121-2019 (O&M)**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.5,25,000/- awarded by the learned Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as “the learned Tribunal”) vide Award dated 07.01.2019 passed in MACP Case No. 3308 dated 27.11.2017 filed under Section 163-A of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The five claimants are the widow; 2 minor children; and parents of the deceased Surender Singh, who was 27 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Surender Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 17.06.2017 due to the rash and negligent driving of a Pleasure Scooter bearing registration No.HR-07X-9226 (hereinafter “the offending vehicle”) being owned and driven by respondent No.1; and insured by respondent No.2. The learned Tribunal awarded the above said compensation along with interest @ 7.5% per annum. Both respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by *inter alia* submitting that nothing has been awarded towards loss of any future income as the deceased was earning Rs.25,000/- from the labour work. Even multiplier has not been applied. Nothing has been awarded towards medial expenses, funeral and last rites



et cetera. Very less rate of interest of 7.5% p.a. has been awarded instead of 12% p.a.

4. It is accordingly prayed that present Appeal be allowed; and the awarded compensation be enhanced in the above terms.

5. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in a great detail. I find no merit in the submissions made by learned counsel for the appellants.

6. It was the pleaded case of the appellants before the learned Tribunal that the deceased was a labourer and earning Rs.3,200/-p.m. It is further averred that the claimants had spent Rs.1 lakh on transportation, funeral and last rites of the deceased. In cross-examination, claimant No.1/widow had stated that the deceased was earning Rs.2,000/- or Rs.2,500/- p.m. from his labour work and he had studied upto 8th standard.

7. However, as the claim petition had been filed under Section 163-A of the Act, payment was to be made as per the structured formulaic the Schedule, as per which, in cases of death, Rs.5 lacs is to be paid with 5% increase on annual basis w.e.f. 01.01.2019. Accordingly, learned Tribunal had awarded a sum of Rs.5,25,000/- by way of compensation.

8. Reference is made to a judgment passed by this Court in **Tata Aig General Insurance Co. Ltd. v. Jasbir Singh and others, (Punjab and Haryana): Law Finder Doc Id # 2224117** wherein, it is held that:

“Compensation under Section 163-A of Motor Vehicles Act, 1988 should strictly adhere to the structured formula stipulated under Schedule-II of the Act, including deductions for personal expenses, prescribed limits for funeral expenses, loss of estate, and consortium.”

9. Keeping in view the above said undisputed position in Law, that as per Section 163-A of the Act, payment has to be made as per the Schedule, I find no ground is made out to interfere in the impugned Award. The present appeal is accordingly **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

15.09.2025

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No