



FAO-3300-2006 (O&M)

-1-

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

224

**FAO-3300-2006 (O&M)
Date of Decision: 27.02.2025**

GURMUKH SINGH

.....Appellant

Vs.

JATINDER SINGH AND ORS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Jaideep Verma, Advocate, for
for the appellant.

Mr. Neeraj Khanna, Advocate, for
Mr. R.N. Singhal, Advocate,
for respondent No.3-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 01.03.2006 passed in the claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Rupnagar (for short, 'the Tribunal') for enhancement of compensation, granted to the appellant/claimant to the tune of Rs.55,000/- along with interest at the rate of 6% per annum, on account of injuries sustained by the appellant/claimant in a Motor Vehicular Accident, occurred on 29.06.2003.
2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case are not reproduced for the sake of brevity.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES**

3. The learned counsel for the appellant/claimant contends as under:-

- i) That the learned Tribunal has erred in law in awarding the compensation to the appellant/claimant to the tune of Rs.55,000/- on the ground of “no fault liability”.
- ii) That since, now Section 163-A of Motor Vehicles Act, 1988 is substituted by Section 164 of Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022), therefore, compensation should be enhanced as per the substituted statutory provision i.e. Section 164 of the Act (Act 32 of 2019 w.e.f 01.04.2022).
- iii) That the present case is covered by the judgment rendered by this Court in **FAO No.4301 of 2006**, titled as “**Akaljit Kaur and Others Vs. Parveen Kumar and Others.**” wherein the claim under Section 163-A of the Motor Vehicles Act, 1988 was converted to Section 164 of Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022) by relying upon the judgment of Hon’ble *Supreme Court in the case of Ram Murti and others Vs. Punjab State Electricity Board [2022(4) TAC 738]* wherein it was held that Section 164 of the Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022) provides for payment of



compensation in case of death in the amount of Rs.5 lakhs and in the case of grievous hurt of Rs.2.5 lakhs.

4. *Per contra*, learned counsel for the respondent-Insurance Company, however, vehemently argues on the lines of the award dated 01.03.2006 and submits that the award has rightly been passed by the learned Tribunal. Therefore, he prays for dismissal of the present appeal.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A perusal of the award shows that learned Tribunal has awarded a meager amount of Rs.55,000/- on the ground of “no fault liability”. A perusal of award further shows that as per disability certificate Exhibit PW2/E the appellant/claimant suffered permanent disability to the extent of 22%.

7. Further, this Court in FAO No.4301 of 2006, titled as “**Akaljit Kaur and Others Vs. Parveen Kumar and Others**” held as under:-

“11. Hon’ble Supreme Court in the case of **Ram Murti and others Vs. Punjab State Electricity Board** [2022(4) TAC 738] held that the appellants therein to be granted the benefit of beneficial provision enacted by the Parliament under Chapter 11 of which Section 164 provides for payment of compensation in the case of death in the amount of Rs.5 lakhs and in the case grievous hurt of Rs.2.5 lakhs.

12. This Court in FAO-195-2006 titled as **Mamta and Others Vs. Happy and Others**, decided on 29.05.2024, held that since Motor Vehicle statute is a beneficial legislation, the Judge should not go into the technicalities of the provisions, under which the application or petition is moved but should apply his judicial mind, as these are only the irregularities and not illegalities which cannot be cured. It has been observed by the Hon’ble Supreme Court that the loss caused to the claimants or the relationship or to the victim of the limb cannot be



compensated. Still the Court should make every effort by exercising its discretion empathetically. Further, Justice should actually be shown to be delivered by application of judicial mind with intelligence, prudence, care and caution and by showing empathy. The Court decision should be such that they strengthen the trust and confidence of public and litigants in judicial system and judiciary.”

8. In view of the above referred to judgments, this Court is now converting the present claim petition filed under Sections 163-A (pre-amendment i.e 2019 amendment w.e.f 01.04.2022) to Section 164 of the Motor Vehicles Act, 1988, (amended by the Act 32 of 2019). Keeping in view the beneficial provision enacted by the Parliament under Chapter 11 of which Section 164 provides for payment of compensation in the case of death in the amount of Rs.5 lakh and in the case grievous hurt of Rs.2.5 lakh.

CONCLUSION

9. In view of the law laid down by Hon’ble the Supreme Court in the above referred to judgments, the present appeal is allowed. The award dated 01.03.2006 is hereby set aside and the appellant/claimant is held entitled to compensation to the tune of Rs.2,50,000/-.

10. So far as the interest part is concerned, as held by Hon’ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma** 2019 ACJ 3176 and **R.Valli and Others VS. Tamil Nandu State Transport Corporation** (2022) 5 Supreme Court Cases 107, the appellants/claimants are granted the interest @ 9% per annum on the enhanced amount of compensation from the date of filing of claim petition till the date of its realization.



FAO-3300-2006 (O&M)

-5-

11. The respondent No.3-Insurance Company is directed to deposit the amount of compensation along with interest with the learned Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is further directed to disburse the amount of compensation along with interest in the account of the appellant/claimant. The appellant/claimant is directed to furnish his bank account detail to the learned Tribunal.

12. Respondent No.3-Insurance Company is hereby directed to disburse the current scheduled fee to Mr. R.N.Singal, Advocate, within a period of 20 days from the date of receipt of the copy of this judgment.

13. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

27.02.2025
mahima

Whether speaking/non-speaking : Yes
Whether reportable : Yes/No