



FAO no.5910 of 2019(O&M)

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

(109)

FAO no.5910 of 2019(O&M)

Date of Decision: 27.10.2025

KANTA AND ANOTHER**.....APPELLANTS****VERSUS****SUNIL KUMAR AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Deepak Malik, Advocate for
Mr. Vishal Malik, Advocate
for the appellants.

VIRINDER AGGARWAL, J. (ORAL)

1. This appeal has been filed by the claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Panipat, vide award dated 17.08.2018 passed under Section 163-A of the Motor Vehicles Act, 1988 on account of the death of Mohit in a motor accident which occurred on 19.11.2013.

2. There is a delay of 271 days in filing the appeal. Having considered the averments made in the application, the same is allowed and delay in filing the appeal is condoned. However, condonation of delay shall not be construed as expression of any opinion on the merits of the appeal, which is examined hereinafter.



3. At the outset, it may be noticed that the impugned award has been passed by the learned Tribunal under Section 163-A of the Act by applying the structured formula prescribed in the Second Schedule as it stood on the date of the accident as well as on the date of the award. The arguments raised by learned counsel for the appellants is that in view of the amended Second Schedule notified on 22.05.2018 by the Central Government, the appellants are entitled to a minimum compensation of ₹5,00,000/- in a fatal accident claim under Section 163-A of the Act, and hence the compensation awarded deserves to be enhanced.

4. I find no merit in the aforesaid submission so as to warrant interference. As the accident in question occurred on 19.11.2013 and the award was passed on 17.08.2018, whereas the amended Second Schedule was brought into force only with effect from 01.01.2019 by Notification of the Central Government. The amended Second Schedule has no retrospective effect and is prospective in nature. It does not apply to cases where the cause of action arose earlier and claims had already been adjudicated. Therefore, the compensation has to be determined as per the original Second Schedule, which was in force on the date of the accident and award.

5. In the present case, since the cause of action as well as adjudication by the learned Tribunal both preceded the amendment, the learned Tribunal has rightly applied the **unamended Second Schedule** while determining compensation under Section 163-A. The structured formula applied by the learned Tribunal is in consonance with the statutory scheme which mandates assessment strictly in accordance with the Schedule then in force. Hence, the prayer for enhancement is founded on the applicability of the amended Second



Schedule, which, as discussed above, is wholly misconceived and legally untenable.

6. 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.

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

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

(VIRINDER AGGARWAL)
JUDGE

27.10.2025

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