



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

**FAO-3855-2012 (O&M)**

**Date of decision : 27.05.2025**

Jarnail Singh @ Leela

... Appellant(s)

Versus

Balkaran Singh and Others

...Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Nitish Garg, Advocate for the appellant.

Mr. Vinod Gupta, Advocate for respondent No.2.

**ALKA SARIN, J. (ORAL)**

1. The present appeal has been preferred by the claimant-appellant for modification and enhancement of the impugned award dated 07.03.2012 passed by the Motor Accident Claims Tribunal, Bathinda whereby in a petition under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the 1988 Act') a compensation of Rs.3,07,000/- was awarded in favour of claimant No.1 (Sukhpal Kaur) on account of death of her son.

2. 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.

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

| Sr. No. | Heads                     | Compensation Awarded           |
|---------|---------------------------|--------------------------------|
| 1       | Monthly Income            | Rs.3,300/-                     |
| 2       | Deduction (50%)           | Rs.1,650/-                     |
| 3       | Multiplier (15)           | Rs.2,97,000/- [1650 x 12 x 15] |
| 4       | Funeral Expenses          | Rs.5,000/-                     |
| 5       | Loss of Estate            | Rs.5,000/-                     |
| 6       | <b>Total Compensation</b> | <b>₹3,07,000/-</b>             |
|         | <b>Interest</b>           | <b>7.5% per annum</b>          |

4. Learned counsel for the claimant-appellant would contend that in the present case the son of the appellant was aged about 21 years and unfortunately he died in a motor vehicular accident. The learned counsel for the claimant-appellant would further contend that an amount of Rs.3,07,000/- awarded as compensation in favour of claimant No.1 (wife of claimant No.2-appellant) is on the lower side and that the claim petition qua the claimant No.2-appellant was wrongly dismissed by the Tribunal. 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]** to contend that at least an amount of Rs.5,00,000/- should have been awarded in favour of the claimants and hence prayed for modification of the impugned award and for enhancement of the compensation.

5. Learned counsel for respondent No.2-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 favour of the wife of the claimant No.2-appellant in the present case and that there is no scope of any enhancement.

6. Heard the learned counsel for the parties.

7. In the present case the claim petition was filed by the parents of the deceased under Section 163-A of the 1988 Act. 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 of the Act. The claimant No.2-appellant being father of the deceased is also entitled for compensation. The Tribunal has erroneously denied the compensation to the father.

8. Hon'ble Supreme Court in the case of **Ram Murti** (supra) has 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 ₹5,00,000/- and in the case of grievous hurt of ₹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 ₹5,00,000/- as compensation. However, if the amount of ₹50,000 which has been awarded by the High Court has already been paid over, the balance (or the entirety of ₹5,00,000/- if no amount has been paid) shall be paid over to the appellants by 30 November 2022.”*

9. In view of the above, the present appeal is allowed in the above terms. The impugned award stands modified, and the amount of compensation is enhanced to ₹5,00,000/-, which shall be apportioned by the claimant No.2-appellant and his wife-Sukhpal Kaur (proforma respondent herein) equally. 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.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, after calculation of the enhanced amount, the same be transferred by the respondent-Insurance Company in the bank account(s) of the claimants within six weeks from today. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance

Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

11. Pending applications, if any, also stand disposed off.

27.05.2025  
*Ankur*

**(ALKA SARIN)**  
**JUDGE**

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