



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

FAO-4516-2014 (O&M)

Date of Reserve: 15.09.2025

Date of Pronouncement: 22.09.2025

Chander Dev (minor)

.....Appellant

Vs.

Sahil and anr.

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. K.S. Dhanora, Advocate,
for the appellant.

Mr. Bhupender Singh, Advocate
for the respondents.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 13.11.2013 passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 for enhancement of compensation granted to the appellant/claimant, whereby the claimant-appellant was awarded Rs.8337/- along with interest @ 7.5 % per annum, on account of injuries suffered by the appellant in a motor vehicular accident, which occurred on 23.05.2010.

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. Learned counsel for the claimant-appellant contends that the amount assessed by the learned Tribunal is on the lower side. He further contends that the learned tribunal has not granted any amount towards special diet, transportation diet etc. Therefore, he prays that the present appeal be allowed and compensation be enhanced as per latest law.

4. Per contra, learned counsel for the respondents, at the very outset, contends that the present appeal is not maintainable under Section 173 of the Motor Vehicles Act, 1988, as no appeal shall lie from from an award of the tribunal, if the amount awarded is less than Rs.10,000/-. He further contends that in the instant case, the amount awarded by the learned tribunal is Rs.8337/- with interest @7.5% per annum, thereby precluding the right to appeal.

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

6. The challenge in the present appeal is to award dated 13.11.2013 passed by the learned tribunal, granting compensation of Rs.8337/- for the injuries suffered by the claimant. The appeal is not maintainable due to statutory bar under Section 173(2) of the Motor Vehicles Act, 1988. However, This court in FAO-5720-2006 titled as ***Kamlesh alias Sonia Vs. Bhola Singh and others*** decided on 03.12.2024, has already dealt with a similar issue and held as follows :-

9. *The instant appeal has been instituted by the appellant against the respondents, who were also the contesting litigants before the learned Tribunal. Although it is well-established that the appeal is rendered non-maintainable by virtue of the statutory bar under Section 173(2) of the Motor Vehicles Act, 1988, and the proper recourse lies in filing*



a revision petition, this court is inclined to address the matter to uphold the interests of justice.

10. **RELEVANT LEGAL PROVISION UNDER MOTOR VEHICLES ACT, 1988**

173. Appeals. - (1) *Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court:*

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court, unless he has deposited with it twenty-five thousand rupees or fifty per cent of the amount so awarded, whichever is less, in the manner directed by the High Court:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) *No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than ¹[one lakh] rupees.*

1. Substituted by Act 32 of 2019, Sec.57, for “ten thousand” [w.e.f 1.04.2022, vide S.O.859(E), dated 25th February, 2022]



11. **RELEVANT PROVISIONS UNDER THE CODE OF CIVIL PROCEDURE, 1908**

107. Powers of appellate Court.-

(1) Subject to such conditions and limitations as may be prescribed, an appellate Court shall have power-

- (a) to determine a case finally;*
- (b) to remand a case;*
- (c) to frame issues and refer them for trial;*
- (d) to take additional evidence or to require such evidence to be taken.*

(2) Subject as aforesaid, the appellate Court shall have the same powers and shall perform as nearly as may be the same duties as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted therein.

Order XLI Rule 33 of the Code of Civil Procedure, 1908:-

33. Power of Court of Appeal—*The Appellate Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although*



such respondents or parties may not have filed any appeal or objection and may, where there have been decrees in cross-suits or where two or more decrees are passed in one suit, be exercised in respect of all or any of the decrees, although an appeal may not have been filed against such decrees:

[Provided that the Appellate Court shall not make any order under section 35A, in pursuance of any objection on which the Court from whose decree the appeal is preferred has omitted or refused to made such order.]

ANALYSIS OF THE CASE

12. *A perusal of the award indicates that the learned Tribunal has awarded compensation of Rs.5571/- to the appellant, vide impugned award dated 31.07.2006.*

13. *It is a well-settled principle that procedural lapses or errors committed by legal counsel, such as invoking an incorrect remedy, should not operate to the detriment of a claimant's substantive right to seek enhanced compensation, particularly under a beneficial statute like the Motor Vehicles Act. The Hon'ble Supreme Court has consistently underscored that the strict adherence to procedural technicalities, including the rigid application of the Rules of Evidence and the Civil Procedure Code, is inapplicable to proceedings under the Motor Vehicles Act. The primary objective of this remedial*



legislation is to ensure prompt and equitable justice to claimants.

14. *This court further observes that under Section 107 and Order XLI Rule 33 of the Code of Civil Procedure, 1908, it possesses inherent powers to ensure the ends of justice is met by treating the appeal as a revision.*

15. *Such an exercise of discretion is firmly rooted in judicial precedents and resonates with the legislative intent behind the enactment of the Motor Vehicles Act, which seeks to prioritize substantive justice over procedural formalities. By doing so, this court not only adheres to the principles of equity and fairness but also reinforces the legislative purpose of expediting relief to the victims of motor accidents.*

7. In view of the above judgment, this court finds it just and proper to invoke its inherent powers to convert the present appeal into a revision petition. By exercising this discretion, the court reaffirms its commitment to deliver justice in a manner that is both expeditious and fair, thereby safeguarding the rights of claimant and preventing undue delay or denial of relief.

8. A perusal of the award reveals that the appellant suffered simple injuries and was treated in PGI, Chandigarh. The appellant remained admitted in the hospital for 02 days. He was a child of 10 years of age at the time of accident. The award further indicates that the appellant suffered simple injuries and has not suffered any permanent disability. Moreover, no document in the shape of disability certificate has been produced qua the same. But keeping in view the patent injuries suffered by the appellant, the amount awarded is on the lower side and is liable to be enhanced, as per latest law.



9. Therefore, this Court in the interest of justice deems it fit to award a compensation of Rs.1,00,000/- in lump sum (over and above the amount of compensation awarded by the learned Tribunal).

10. Accordingly, the appeal is allowed and the award dated 13.11.2013 passed by the learned Tribunal, Karnal is modified to the extent that the appellant is held entitled to compensation of Rs.1,00,000/- (over and above the amount of compensation awarded by the Tribunal).

11. 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 appellant/claimant is granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

12. The respondents are directed to deposit the enhanced 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, as per award dated 13.11.2013. The Tribunal is further directed to disburse the enhanced amount of compensation along with interest in the account of the appellant/claimant. The appellant/claimant is directed to furnish his bank account details to the Tribunal.

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

(SUDEEPTI SHARMA)
JUDGE

22.09.2025

Gaurav Arora

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