



FAO-4434-2016

-1-

109

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

FAO-4434-2016

Date of Order:-30.01.2025

Surjeet Kaur (deceased) through LRs and others

...Appellants

Versus

Parminder Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Ajay Singh, Advocate for
Mr. S.K. Banga, Advocate
for the appellants.

Mr. Upender Prasher, Advocate
for respondent No.2.

None for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

1. By way of present appeal filed under the Motor Vehicles Act, 1988, (for short 'the Act') appellants/claimants have approached this Court for enhancement of compensation awarded by the Motor Accident Claims Tribunal, S.B.S. Nagar (for short 'the Tribunal') vide its award dated 20.05.2013.

2. Counsel for the appellants submits that the claimants are the heirs of Tanjeet Singh, who was travelling on a moped and was hit by a



109

truck. He fell on the road and was crushed under the tyre of truck. Counsel has asserted that the Tribunal awarded a compensation of Rs. 5,00,000/- to the appellants, which is highly inadequate as the deceased, was 45 years of age and working as a tailor. His earning was Rs.3,300/- per month.

3. Counsel for respondent No.3 has, however, opposed the appeal by submitting that the appellants are not entitled to any enhancement as the claim petition was preferred by them under Section 163-A of the Act.

4. I have heard counsel for the parties and considered their respective submissions.

5. The question that arises for consideration is as to whether the appellants are entitled to enhancement of compensation in an appeal challenging an award passed on a petition filed under Section 163-A of the Act. In **Deepal Girishbhai Soni and others Versus United India Insurance Co. Ltd. Baroda, (2004) 5 Supreme Court Cases 385** Supreme Court has held that an award passed under Section 163-A ibid is in full and final settlement of the claim and a claimant cannot be permitted to pursue two remedies simultaneously. Apex Court has clarified that the claimants can opt or elect to go either for proceeding under Section 163-A or under Section 166 of the Act but not under both the provisions. It has been observed that Section 163-A lays down a comprehensive scheme for the purpose of grant of adequate compensation to a section of the victims, who would require the amount of compensation without fighting any protracted litigation. Such an



FAO-4434-2016

-3-

109

amount is final and cannot be permitted to the adjusted.

6. In view of the settled legal position, there is no merit in appeal, which is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

30.01.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No