



FAO-6959-2016 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-6959-2016 (O & M)

Date of decision:22.05.2025

ARSHDEEP KAUR @ MANINDER KAUR AND ANR

...PETITIONERS

VS.

GURPREET SINGH AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Naveen Gupta, Advocate
for the appellants.

None for respondents No.1 and 2.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3.

SUVIR SEHGAL, J.

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, Patiala (for short 'the Tribunal') vide its award dated 12.04.2016.

2. Counsel for the appellants submits that the claimants are husband and minor son of deceased, Sukhwinder Kaur. She was travelling pillion on a motorcycle driven by husband on 09.05.2015. A tractor trolley bearing registration No.PB-65-AB(T)-2820, rashly driven by respondent No.1 struck the motorcycle injuring both the motorcycle riders and sped from the accident site. Sukhwinder Kaur, who was 26 years housewife, succumbed to the injuries. Counsel has asserted that the Tribunal awarded a



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compensation of Rs.6,33,000/- to the appellants, which is highly inadequate as the deceased was rendering service to the tune of Rs.3,300/- per month.

3. Counsel for respondent No.3 has, however, opposed the appeal by urging that 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 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 amount is final and cannot be permitted to be adjusted.

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

22.05.2025

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No