



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 07.11.2025

FAO-2901-2018(O&M)

Royal Sundaram Alliance Insurance Co. Ltd

...Appellant(s)

Vs.

Mayawati & Others

...Respondent(s)

FAO-1584-2022(O&M)

Mayawati @ Mayavati & Others

...Appellant(s)

Vs.

Dhramraj & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Dinesh Kumar Prajapati, Advocate
for the appellant/Insurance Company
(in FAO-2901-2018).

Mr. Rakesh Sobti, Advocate
for the respondents No.1 to 4/claimants
(in FAO-2901-2018).

NIDHI GUPTA, J.

FAO-1584-2022

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.15,82,000/- awarded by the Motor Accident Claims Tribunal, Palwal (hereinafter 'the learned Tribunal') vide Award dated 04.04.2018 passed in MACP No.75 dated 28.07.2017 filed



under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The 4 claimants are the 30-year-old widow and 3 minor children of deceased Sunder son of Shri Kishan Lal, who was 31 years old at the time of accident.

FAO-2901-2018

Present appeal has been filed by the Insurance Company laying challenge to the Award dated 04.04.2018 passed by the learned Tribunal whereby MACP No.75 dated 28.07.2017 filed under Section 166 of the Act by the claimants/respondents No.1 to 4 herein, has been allowed and compensation of Rs.15,82,000/- has been awarded to the claimants.

2. In FAO-2901-2018, notice was issued vide order dated 29.05.2018; whereafter vide order dated 01.11.2018, the Executing Court was directed to adjourn the proceedings beyond the date fixed by this Court which has been confirmed by this Court vide subsequent orders.

3. Both the above said appeals are being disposed of by this common order as both appeals arise out of the same Award dated 04.04.2018; accident dated 14.03.2017; and parties, facts and offending vehicle in both cases, are same. For the sake of brevity, the parties are being referred to and the facts are being drawn from FAO-2901-2018 titled as “Rooyal Sundaram Alliance Insurance Co. Ltd. Vs. Mayawati & Others”.

4. Facts as pleaded by the claimants in their Claim Petition before the Tribunal as recorded in Paras 2 and 3 of the Award are as under:-

“2. Brief facts of the case as pleaded in the claim petition are that on 14.3.2017, at about 3 p.m., while Sunder (since



deceased) was going towards Palwal on his motor-cycle no.HR-51AJ-8147 and when he reached near Omaxe City, National Highway No.2, Palwal, in the meanwhile, a Swift car bearing registration no.HR-50F-0537 (hereinafter to be mentioned as the vehicle in question) driven by the respondent no.1 in a rash and negligent manner and also at a high speed came and hit him from behind, as a result of which, he fell down along with his vehicle and sustained injuries and thereafter, succumbed thereto and died at the spot. The accident in question had taken place due to rash and negligent driving of the vehicle in question by the respondent no.1. A criminal case vide FIR No.219 dated 15.3.2017 was registered under sections 279 and 304-A of IPC, at police station Camp Palwal for causing the impugned accident.

3. The claimants, being widow and children respectively of the deceased Sunder have thus prayed for grant of compensation to the tune of Rs. 75,00,000/- as against the respondent no.1 being driver, respondent no.2 being owner and respondent no.3 being insurer of the vehicle in question on the grounds that the deceased was aged about 30 years at the time of his accidental death. He was an agriculturist and was also doing the job of milk vending and supplying milk thereby earning a sum of Rs.50,000/- per month. A sum of Rs.50,000/- was spent on transportation of his dead body and last rites. Due to his untimely death, they have been deprived of his love and affection. They were fully dependent upon the income of the deceased. Hence, the petition."

5. The Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased



Sunder had died due to the injuries suffered by him in a motor vehicular accident that took place on 14.03.2017 at about 3 pm due to the rash and negligent driving of the Swift Car bearing registration No.HR-50F-0537 (hereinafter “the offending vehicle”) being driven by respondent No.5, owned by respondent No.6, and insured by the appellant. The compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

6. Learned counsel for the appellant/Insurance Company assails the impugned Award by submitting that the Tribunal was in patent error in accepting the claim petition and awarding compensation to the claimants as the alleged offending vehicle has been falsely implicated. In actual fact, the offending vehicle was not involved in the accident in question. The learned Tribunal has held the offending vehicle to be involved in the accident only on the ground that no fault could be found with regard to the Driving Licence of respondent No.5/driver, certified copy of which had been produced as Ex.P2. The Tribunal further held that no other terms and conditions were proved to have been violated either by the respondent No.5/driver or by the respondent No.6/owner of the offending vehicle.

7. Learned counsel submits that however, in holding as above, the learned Tribunal has ignored other vital aspects of the matter. It is submitted that the FIR had been registered on the basis of statement made by one Ran Singh, who had stated himself to be an eyewitness to the



accident in question. The FIR was registered on the very next day after the accident i.e. 15.03.2017 by Ran Singh against an unknown person and unknown vehicle. However, strangely Ran Singh was not produced as a witness by the claimants before the Tribunal. Rather, on 13.11.2017, another alleged eyewitness namely Sunil/PW2 was brought into the picture who claimed to have disclosed the details of the offending vehicle and driver to the Police on 14.03.2017. Ld. Counsel contends that the said Sunil/PW2 was a procured witness. Sunil has even failed to record his statement under Section 161 Cr.P.C. before the Police. Even his cross-examination suffers from gross discrepancies. As such, no reliance could be placed upon the evidence of Sunil/PW2 in determining the involvement of the offending vehicle. Moreover, PW2 was not cited as a witness in the criminal trial against respondent No.5/driver; but Ran Singh, author of the FIR, has been produced in the criminal trial as PW4, who has turned hostile as a result of which the respondent No.5 stands acquitted.

8. It is submitted that therefore, the Ld. Tribunal failed to appreciate that the investigation officer who lodged the FIR as well as author of the FIR who was sole witness of the accident has not been examined by the claimants. It is settled proposition of law FIR cannot be proved without examining its investigation officer as well as the complainant, whereas Ld. Tribunal decided issue no.1 in favor of the



claimants merely on the ground that the FIR has been registered against the driver of the offending vehicle, which is against law and liable to be set aside.

9. Learned counsel further relies upon judgment of Hon'ble Supreme Court in **Rajamma v. M/s Reliance General Insurance Co. Ltd. (SC) : Law Finder Doc ID # 2784588; Surender Kumar Arora v. Dr. Manoj Bisla (SC) : Law Finder Doc ID # 356890**; judgment of this Court in **The Oriental Insurance Co. Ltd. v. Kamla, (Punjab and Haryana) : Law Finder Doc ID # 778163; Magma HDI General Insurance Co. Ltd. v. Mukesh Devi, (P&H) : Law Finder Doc ID # 980787; Vidya Devi v. Shyam Sunder Nisad, (Punjab And Haryana) : Law Finder Doc ID # 2708343; Balbir alias Leela v. Vikas (Punjab And Haryana) : Law Finder Doc ID # 520565; United India Insurance Co. Ltd. v. Gurmeet Singh (P&H) : Law Finder Doc ID # 1895306; National Insurance Company Limited v. Babloo (P&H) : Law Finder Doc ID # 695809; Smt. Sheela v. Ravinder, (Punjab And Haryana) : Law Finder Doc ID # 965348; Reliance General Insurance Co. Ltd. v. Munshi Singh (Punjab And Haryana) : Law Finder Doc ID # 674394; Anguri Devi v. Lakhvinder Singh alias Lakha, (Punjab and Haryana) : Law Finder Doc ID # 875760**; and judgment of High Court of Madras in **Cholamandalam Ms General Insurance Company Ltd Vs. Director General of Police & Others CRL OP No.2302-2021 and CRL OP No.4174 of 2021 decided on 12.09.2025**, to submit that in similar circumstances, where there was contradiction in statements of material witnesses and as a result of which the offending



driver had been acquitted in the criminal trial, the claimants were held not entitled to compensation.

10. As regards quantum of compensation, learned counsel for the appellant/Insurance Company submits that age of the deceased has been wrongly taken by the Tribunal as 31 years; whereas in the Post-Mortem Report (Ex.P5), age of the deceased was mentioned as 51 years. It is submitted that therefore, the Tribunal has wrongly assessed the compensation payable to the claimants inasmuch as addition of 40% could not have been made towards future prospects and multiplier of 16 was also not applicable. It is accordingly prayed that impugned Award be set aside.

11. Per contra, learned counsel for the claimants vehemently opposes the submissions made on behalf of the Insurance Company and submits that details of the offending vehicle had been disclosed by Ran Singh to the Police by way of supplementary statement dated 20.03.2017 (Ex.P5). It is further pointed out that even Sunil PW2, second eyewitness to the accident in question had categorically stated in his cross-examination that *"...I had disclosed the number of the offending vehicle in question to police on 14-3-17..."*. It is submitted that therefore, the involvement of the offending vehicle in the accident in question cannot be doubted.

12. As regards quantum of compensation, learned counsel for the claimants seeks enhancement of compensation by submitting that it was a clear pleaded case of the claimants before the learned Tribunal that the



deceased was an agriculturist and doing job of milk-vending from which he was earning Rs.50,000/- per month. Yet income of the deceased has been taken as only Rs.7,500/- per month by assuming him to be a Daily Waged Workman. In doing so, the learned Tribunal has ignored the evidence of PW4 Bhagat Singh, who had deposed before the Tribunal that he and the deceased both used to visit Faridabad from Palwal in the same train for the purpose of supplying milk. The claimants had also produced and proved on record the Jamabandi for the year 2013-14 (Ex.P7) from which it was clear that the deceased was owning agricultural land in his own name. It is contended that accordingly, income of the deceased has been wrongly assessed as only Rs.7,500/- per month. It is submitted that even under the other heads, less amounts have been awarded to the claimants. Learned counsel accordingly prays for modification of the impugned Award as above.

13. No other argument is made on behalf of the parties. I have given my thoughtful consideration to the rival submissions advanced on behalf of both parties and perused the case file in detail.

14. It has been contended on behalf of the Insurance Company that the claimants have falsely implicated the offending vehicle with a view to procure the compensation amount. The accident in question had taken place on 14.03.2017. FIR No.219 was registered on 15.03.2017 under Sections 279 and 304-A IPC at Police Station Camp Palwal on the statement



made by Ran Singh against unknown vehicle and unknown driver. In the complaint/FIR, Ran Singh had stated as follows:-

"Statement of Ran Singh son of Piyare Lal, caste Saini, resident of Islamabad, ward no.8, aged 57 years. Stated that I am resident of above mentioned address and 4th class employee in the office of Deputy Commissioner Office. That on 14.03.2017 on 3.00 PM I was going on my bicycle towards Palwal when I reached Omaxe City, then suddenly one motorcycle hit with my bicycle from rear side and I fell down on the road side then I saw the motorcyclist, his motorcycle was also hit by some unknown vehicle as a result of which the motorcyclist fell down on my side and he sustained multiple fatal injuries then we were admitted in government hospital, through some passerby in the private vehicle. Today I am present in hospital for my treatment. Unknown vehicle caused the accident by driving the vehicle in question in rash and negligent manner, which result into the accident. I saw motorcycle number which was HR-51AJ-8147. Then I came to know motorcyclist has been died due to the injuries suffered by him. Legal action be taken against the unknown vehicle and driver".

15. From the above statement it would appear that Ran Singh was fully conscious to make a statement. He had specifically mentioned in his statement that accident had taken place due to the rash and negligence of unknown vehicle and driver. He has also noted down the number of the motorcycle being driven by the deceased. Yet, he was not examined by the claimants before the Tribunal. I am therefore, in agreement with the



argument of learned counsel for the appellant/ Insurance Company that FIR cannot be proved without examining its Investigation Officer and the complainant. In the present case, neither has been examined. This would cast a shadow of doubt on the case set up by the claimants.

16. It is also not denied that in the criminal trial conducted against respondent No.5/driver, second eyewitness Sunil had not appeared; whereas Ran Singh had appeared as PW4 and had turned hostile; as a result of which, the respondent No.5/driver was acquitted by the Judicial Magistrate, 1st Class, Palwal vide judgment dated 04.01.2023. The relevant extract of which as contained in Para 10(iv) reads as follows:-

iv) Thereafter, prosecution got examined Ran Singh as PW4, who is complainant witness in nature in the present case who in her evidence proved original tehrir as Ex.PW4/A. PW4 identified accused in the court. Thereafter, said PW4 was declared hostile on request of learned Assistant Public Prosecutor for the State and was allowed to be cross-examined. However, it is pertinent here to mention that the said PW4 in his cross examination miserably failed to corroborate the prosecution version of the case, so much so, that PW4 denied telling name and number of vehicle causing the accident and was shown Ex. PW4/B. In the end he also denied that he is deposing falsely in the present case.”

17. The Id. Judicial Magistrate has further noticed in Para 12 of the judgment dated 04.01.2023, as follows:-



“12...In this case even the complainant has not uttered a single word regarding rash & negligent driving by the accused. So, on that basis it cannot be gainsaid that the accused was rash and negligent in any manner. Apart from mere bald averments there is no iota of evidence present on the case file so as to substantiate the claim of the prosecution that the accused person was driving rashly or negligently...”

18. As such, the claimants can place no reliance upon statement/supplementary statement of Ran Singh. Moreover, learned counsel for the Insurance Company has placed reliance upon plethora of judgments mainly in **Rajamma (supra)** wherein the Hon’ble Supreme Court has held that in a case where there is a valid suspicion raised on the registration of FIR and the falsity of the claim being clearly discernible from the evidence, the Claim Petition cannot be accepted. The learned counsel for the claimants have been unable to countenance the above-mentioned judgments cited by the appellant.

19. In affirming the involvement of the offending vehicle, the learned Tribunal has placed great reliance upon the statement of second eyewitness Sunil produced by the claimants before the learned Tribunal as PW2. However, a perusal of the statement/cross-examination of PW2 shows that the same to be riddled with contradictions and gross discrepancies. No doubt PW2 has stated in his cross-examination that he had disclosed number of the offending vehicle in question to the Police on 14.03.2017. However, simultaneously, in the very next sentence, he has



admitted that *"...I do not know the name of and rank of police official to whom I disclosed the number of vehicle in question..."*. PW2 has at one and the same time in the beginning of his cross-examination also stated that *"...It is correct that no statement was recorded by the police on 14.03.2017..."*, whereas in the same breath he has stated that *"...I had disclosed the number of the offending vehicle in question to police on 14.03.2017..."*. As such, in view of the glaring contradictions, the evidence of PW2 could not have been relied upon in establishing the involvement of the offending vehicle in the accident in question.

20. However, at the same time, as per the facts and evidence on record, it is also undisputed in the present case that FIR was registered on the statement of eyewitness Ran Singh who had stated that he had been suddenly hit by a motorcycle which was being driven by the deceased; which had in turn been hit by the offending vehicle. Learned counsel for the appellant/Insurance Company has been unable to deny that it is recorded in the Challan (Ex.P5) that Ran Singh had also recorded his Supplementary Statement on 20.03.2017 in which details of the offending vehicle and identity of respondent No.5/driver had been disclosed. It is not unnatural that after suffering an accident, the victim may not immediately recall details of the offending vehicle and driver. As such, evidence of Ran Singh cannot be entirely discarded. Further, no doubt there are discrepancies in the statement of PW2 Sunil eyewitness, however, with passage of time,



some discrepancies and contradictions are bound to occur in the evidence.

The same cannot held to be fatal to the case of the claimants; especially in a proceeding under the beneficent provisions of the present Act.

21. In this regard, the relevant the findings as recorded by the learned Tribunal in Para 19 of the impugned Award, read as follows:-

“19. A perusal of contents of FIR Ex.P-4 reveals that the same was lodged by Ran Singh on the allegations that he had suddenly been hit by a motor-cycle near Omaxe City on 14.3.2017, at about 3 p.m. and had noticed that the said motor-cycle had been hit by some unknown vehicle. He had disclosed the registration number of the motor-cycle which was driven by the victim Sunder in this case. A perusal of the. Documents annexed with the challan report Ex.P-5 reveals that the said Ran Singh had also recorded his supplementary statement on 20.3.2017 and had disclosed the registration number of the vehicle in question as well as the name of the respondent no.1 as driver of the same. The statement of PW-2 Sunil under section 161 of Cr.P.C. is also shown to be recorded by the police and his name is also reflected in the list of witnesses which are part of the challan report. Learned counsel for the respondent no.3 argued that PW-2 had admitted that he had never been called by the police and therefore, he was proved to be a tutored witness. There is no force in this plea because in another part of his cross-examination, this witness is shown to have categorically stated that he had been called by the police at the police station and had gone there and had also disclosed the number of the vehicle in question to the police. No doubt, he is shown to have stated that he had



disclosed the registration number of the vehicle on 14.3.2017 i.e. on the day of occurrence, but it cannot be ignored that human memory fades with passage of time and even a truthful witness may commit some mistake in disclosing the exact date of incident or recording of his statement which is a natural conduct and on this ground alone, the testimony of PW-2 cannot be ignored. He deposed about eye-witnessing the factum of accident. He was cross-examined in detail, but the credit of his statement could not be shaken. He had seen the vehicle in question while hitting a motor-cycle which in response had hit a cycle. He was not controverted on the point of seeing the riders of the motorcycle and the cycle having fallen on the road band sustaining injuries. Therefore, in my opinion, there is no reason as to why his statement should not be believed. So far as the question of delay in lodging the first information report is concerned, it is correct that the accident was alleged to have taken place at 3 p.m. on 14.3.2017 and the FIR was registered on 15.3.2017, but it is revealed from a perusal of the challan report that Ran Singh, who was lodger of the FIR and was also injured, was himself admitted in the hospital. Rukka had been sent to the police by the hospital authorities and then, his statement had been recorded. It is well settled that priority should always been given in getting the injured treated instead of rushing to the police to lodge the report. In these circumstances, the same is no ground to reject the case of the claimants. Further, it has come on record that the respondent no.1 is facing trial for causing the accident in question. It is well settled that where the driver is facing criminal trial for causing the accident, it is always safe to



conclude that he was negligent. Reliance in this regard can be placed upon authority cited as **Girdhari Lal Versus Radhey Shyam, 1993 (2) RCR. 109**, where similar observations were made. Further, even the respondent no.1 did not appear in the witness box to refute the claim of the claimants. It is also well settled that where the driver of the offending vehicle does not come forward to deny his negligence, there is presumption that claim of the claimants is correct. Reliance in this regard can be placed upon **Raju and others Versus Sukhvinder Singh and others, 2006 (4) RCR (Civil) 82**, wherein it has been held that if the driver of the offending vehicle does not come forward to deny his negligence, then an adverse inference has to be drawn in favour of the claimants and the driver is to be presumed as negligent. So far as the factum of death of the deceased Sunder occurred due to injuries sustained in the roadside accident is concerned, the same stands proved from the contents of the postmortem report Ex.P-5. In his written statement, the respondent no.1 took a stand that he has been falsely implicated in this case. It is well settled law that had the criminal case been false and fabricated against respondent no.1, he would not have sat silent rather he would have moved from pillar to post and approached higher police authorities to complain about his false implication and involvement of the vehicle in question. Reliance can be placed upon **Sudama Devi and others Vs Kewal Ram and others, 2008 (1) P.L.R. 444 (P&H)**. There is nothing to suggest that the respondent no.1 has ever moved any complaint to this effect. Further, from the contents of the FIR Ex.P-4 it is clear that he had fled away from the spot along with his vehicle. It is well settled that the mere



factum of fleeing away from the spot after the accident itself is sufficient to conclude that he was negligent. The respondents did not produce any evidence to rebut the above discussed evidence of the claimants. Therefore, in the absence of any evidence to the contrary on the part of the respondents, this tribunal has no hesitation to hold that the evidence produced by the claimants is sufficient, cogent and can be acted and relied upon for the purpose of proving that the accident had been caused due to rash and negligent driving of the vehicle in question by respondent no.1 on 14.3.2018 and death of Sunder was the result of the injuries sustained by him in the said accident. Hence, this issue is decided in favour of the claimants and against the respondents.”

Thus, notwithstanding the above-said observations made by this Court it cannot be lost sight of, that the Motor Vehicles Act is a beneficial legislation. In a proceeding under this Act, the involvement of the offending vehicle has to be proved only on the preponderance of probabilities, and not with the same stringent and strict measure of ‘proving beyond doubt’ as required in a criminal trial.

22. Accordingly, keeping in mind the entirety of the facts and circumstances of the present case, it is my considered view that in the present case, the ends of Justice will be served if the Claim Petition filed by the claimants under Section 166 of the Act, is converted to a petition under Section 163/164 of the Act. It is undisputed that the deceased Sunder had died due to the injuries suffered by him in the present accident dated



14.03.2017. As such, in order to balance equity and procedure, and to do complete justice between the parties, after applying my judicial mind and after appreciating the entire evidence on record as also the gravity of loss suffered by the claimants and also keeping in mind the young age of the family of the deceased/the claimants I find the present to be a fit case to exercise the Appellate Powers conferred upon this Court under Section 107 read with Order XLI Rule 33 CPC and convert the present Claim Petition filed by the claimants under Section 166 of the Act, to a petition under Section 163/164 of the Act.

23. In doing so, I find support in judgment passed by a Coordinate Bench of this Court in **Mamta v. Happy, (Punjab And Haryana) : Law Finder Doc ID # 2610516**, wherein it is held that:-

“26. The Appellate Courts for the purpose of doing complete justice between the parties and completely adjudicating upon all the disputes, after appreciating the whole evidence on record, have power under Section 107 read with Order XLI Rule 33 of the Code of Civil Procedure, 1908 to pass any decree and make any order which ought to have been passed or made and to pass or make such further 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.



27. Motor vehicle statute is a beneficial legislation. Generally the victims/claimants/legal-representatives are not aware of their right to compensation and it is Advocates who decide under which provision of the statute the claim petition is to be filed. Before deciding the claim petitions, after appreciating the evidence on record, it is the bounden duty of the Court to apprise the parties of their legal rights as to under which provision they can get the maximum of benefit/compensation. The Judges should apply their judicial mind after appreciating the evidence on record, gravity of offence, gravity of loss, conduct of parties and over all facts and circumstances of each case and after that decide the same. The Court should not go into the technicalities that under which provision of statute case is to be filed, specially in the motor accident cases. If at any stage after appreciating the evidence, since it is original jurisdiction of the Court and the case is at initial stage, normally a person of ordinary prudence can calculate the loss of near and dear one's/relationship, the Judge feels that case of the claimant falls under a particular section he should apprise the parties regarding the same. The Courts should not apply straight jacket formula in every case and are presumed actually to do the justice by applying their judicial mind to the facts and circumstances of each and every case. The beneficial intent of the legislation ought to be borne in mind and procedural and technical formalities cannot be invoked to defeat the purpose of the legislation.

28. The Courts have to be very cautious and careful while accepting the prayer of the claimants/appellants to convert the claim petition filed under Section 163A to section 166 of



the Motor Vehicles Act, 1988. Under Section 107 read with Order XLI Rule 33 of CPC the general rule is that an appeal is persistence of a suit and, therefore, an Appellate Court can do, while the appeal is pending, what the original Court could have done while the suit was pending. Thus, as per Section 107 Order XLI Rule 33 of CPC, an Appellate Court is empowered to re-appreciate the evidence. While hearing the appeal it is very important for a judge to apply his judicial mind. The Appellate Authority can re-appreciate the evidence before it. The grant of just and fair compensation is a statutory responsibility of the Court.

29. Over all conclusion of the above is that the Appellate Court has power to convert the petition under Section 163A to section 166 of the Motor Vehicles Act, 1988 to give justice to the claimants.”

24. I also place reliance upon judgment of this Court in **Bhoop Singh v. Charan Singh, (Punjab And Haryana) : Law Finder Doc ID # 2679153; Neelam v. Lakhbir Singh, (Punjab And Haryana) : Law Finder Doc ID # 2679218; Amrik Singh v. Vikram Singh, (Punjab And Haryana) : Law Finder Doc ID # 2676745;** and judgment of the Telangana High Court in **Irfan Khan v. MD Javeen, (Telangana) : Law Finder Doc ID # 2296328.**

25. This Court is well aware that the above-said question as to ‘whether opportunity ought to be provided to the claimants to convert claims under Section 166 to 163-A even if enhancement is not sought’, is pending consideration before the Hon’ble Supreme Court by way of reference made in **Valsamma Chacko v. M.A. Titto, (SC) : Law Finder Doc**



ID # 2708927. However, it is to be noted that in Paras 8 and 9 of the said reference, the Hon'ble Apex Court has made out a case in favour of the reference; thereby recommending such a conversion while emphasising that in doing so judicial nature of Section 163-A as social security Scheme for accident victims cannot be lost sight of.

26. Thus, keeping in view the above-said legal position, I deem it appropriate to convert the present Claim Petition filed under Section 166 of the Act to a petition under Section 164 of the Act in order to give justice to the claimants. Accordingly, in terms of Section 164, the claimants are held entitled to amount of Rs.5 lakh by way of compensation to be paid by the Insurance Company with a period of 3 months from passing of this order; whereafter the Insurance Company shall be liable to pay interest at the rate of 6% per annum to the claimants from the date of filing the Claim Petition till date of realisation of compensation amount.

27. Both the present appeals are **disposed of** in above terms.

28. Pending application(s) if any also stand(s) disposed of.

07.11.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes