



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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FAO-5537-2023(O&M)
Date of decision: 11.11.2025

Anjali & Others

...Appellant(s)

Vs.

Pardeep & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Varuna Singh, Advocate
for the appellants.

NIDHI GUPTA, J.
CM-18759-CII-2023

This is an application under Section 5 of Limitation Act for
condonation of delay of 114 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit of Krishna, the same is allowed subject to all just
exceptions and delay of 114 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking
enhancement of compensation of Rs.5,04,500/- awarded by the Motor
Accident Claims Tribunal, Sonipat (hereinafter 'the learned Tribunal') vide
Award dated 21.02.2023 passed in MACP/345/2021 dated 07.10.2021 filed



under Section 163-A as amended now under Section 164 of the Amended Motor Vehicles Act (hereinafter “the Act”). The 3 claimants are the 3 minor daughters of deceased Anju, who was 25 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that accident dated 23.07.2021 had taken place due to the use of motorcycle bearing registration No.HR-06AX-1153 being owned by respondent No.1, insured by respondent No.2, and driven by respondent No.3. The aforesaid compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. It is to be noted that deceased Anju is the wife of Shera/respondent No.3. Deceased was pillion riding behind Shera at the time of accident, who was driving the above-said motorcycle bearing registration No.HR-06AX-1153 which is involved in the accident in question.

4. Learned counsel for the appellants seeks enhancement of compensation by submitting that meagre amount of compensation has been awarded to the appellants. It is submitted that compensation is liable to be enhanced as per appropriate multiplier. The appellants are entitled to future prospects and loss of love and affection. Interest @ 7.5% is also on the lower side and should be 18% per annum. Learned counsel accordingly prays for modification of the impugned Award.



5. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail.

6. The admitted fact on record is that the deceased has died due to the injuries suffered by her due to the use of motorcycle being driven by her husband respondent No.3. The appellants are all daughters of respondent No.3/driver of the motorcycle involved in the accident. Accordingly, as the Claim Petition was filed under Section 163-A now amended Section 164 of the Act, the learned Tribunal had applied the structured formula as stipulated under the said provision, as per which compensation of Rs.5 lakh is to be awarded. The Tribunal has further awarded Rs.4,500/- towards funeral expenses and loss of estate as per Second Schedule of the Act.

7. Reference may be made to judgment of this Court in **Tata AIG General Insurance Co. Ltd. v. Jasbir Singh, (Punjab and Haryana) : Law Finder Doc ID # 2224117**; wherein it is held that:-

“Compensation under Section 163-A of Motor Vehicles Act, 1988 should strictly adhere to the structured formula stipulated under Schedule-II of the Act, including deductions for personal expenses, prescribed limits for funeral expenses, loss of estate, and consortium.

A. Motor Vehicles Act, 1988 Section 163-A Compensation payable under structured formula - Tribunal must follow Schedule-II of the Act - Deduction for personal expenses must be applied - Prescribed limits for heads like funeral expenses, loss of



estate, and consortium must not be exceeded - Maximum compensation in case of death cannot exceed Rs.5,00,000/-."

8. Reliance may be placed upon judgment of this Court in **Farrukh v. Sale Khan, (Punjab and Haryana) : Law Finder Doc ID # 2224013**, wherein while placing reliance upon judgment of the Hon'ble Supreme Court in **Kurvan Ansari alias Kurvan Ali v. Shyam Kishore Murmu (SC) : Law Finder Doc ID # 1911276**, it has been held that:-

*"3. Learned counsel for the appellants seeks enhancement of the compensation amount on the ground that the learned Tribunal has merely awarded a lumpsum payment of Rs.1,20,000/-. It is submitted that even no multiplier has been applied and nothing has been granted under any of the conventional heads. Learned counsel relies upon judgment of Hon'ble Supreme Court in **Civil Appeal No.6902 of 2021 titled as "Kurvan Ansari @ Kurvan Ali & Another v. Shyam Kishore Murmu & Another"**.*

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10. It is undisputed that in a petition under Section 163-A of the Act, the Scheme/structured formula as contained in Schedule-II of the Act, has to be followed, whereunder inter-alia, compensation in a death case cannot exceed Rs. 5 lacs....."

9. In view of the above, present appeal is **dismissed**.
10. Pending application(s) if any also stand(s) disposed of.

11.11.2025
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No