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

FAO-931-2023 (O&M)

Date of Decision : 15.12.2025

Kamaljit Kaur & Anr

... Appellant(s)

Versus

Malkit Singh & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vipul Sharma, Advocate for

Mr. Neeraj Khanna, Advocate for the appellants.

ALKA SARIN, J. (Oral)

CM-3782-CII-2023

1. For the reasons mentioned therein, the application seeking condonation of delay of 08 days in refiling the appeal is allowed and the delay of 08 days in refiling the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellants challenging the impugned award dated 05.09.2022 passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (hereinafter referred to as 'Tribunal') in a claim petition under Section 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as the 'Act of 1988') whereby the compensation of ₹3,71,360/- has been awarded alongwith interest @ 7.5% per annum from the date of filing of the petition till its realization.

3. Notice of motion to respondent No.2-Insurance Company only.

4. Mr. D.K. Prajapati, Advocate accepts notice on behalf of respondent No.2-Insurance Company and waives service.

5. Learned counsel for the claimant-appellants would contend that the deceased, who unfortunately died in a motor vehicle accident which occurred on 08.07.2020, was 61 years of age at the time of the accident. Learned counsel for the claimant-appellants would further contend that the compensation of ₹3,71,360/- awarded by the Tribunal is on the lower side which ought to have been at least ₹5,00,000/-. In support of his contentions, he has also placed reliance upon a judgment of the Hon'ble Supreme Court in the case of **Ram Murti & Ors. Vs. Punjab State Electricity Board [2023 ACJ 631]**.

6. Learned counsel for respondent No.2-Insurance Company has contended that the judgment in the case of **Ram Murti** (supra) is not applicable in the present case and that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. I have heard the learned counsel for the parties.

8. In the present case the claimant-appellants had filed the claim petition under Section 163-A of the Act of 1988 and vide the impugned award dated 05.09.2022 the Tribunal has awarded a compensation of ₹3,71,360/- alongwith interest @ 7.5% per annum. Vide the Motor Vehicles (Amendment) Act, 32 of 2019, Chapter X stands omitted and substituted by Chapter XI. Section 163-A falls in Chapter X of the unamended Motor Vehicles Act, 1988 and the same has now been replaced by Section 164 of the Act of 1988. Further, Hon'ble Supreme Court in the case of **Ram Murti** (supra) has held as under :

“ 7. The provisions of Section 140 which formed a part of Chapter 10 of the Motor Vehicles Act 1988 were omitted by Act 32 of 2019. Simultaneously, Chapter 11 was substituted of which Section 164 provides for payment of compensation in the case of death in the amount of Rs.5,00,000/- and in the case of grievous hurt of Rs.2,50,000/-.

8. We are inclined to give the appellants the benefit of the beneficial provisions which have been enacted by Parliament. Hence, in modification of the order of the High Court, we direct that the appellants shall be entitled to an amount of Rs.5,00,000/- as compensation. However, if the amount of Rs.50,000 which has been awarded by the High Court has already been paid over, the balance (or the entirety of Rs.5,00,000/- if no amount has been paid) shall be paid over to the appellants by 30 November 2022.”

9. The above judgment of the Hon’ble Supreme Court in the case of **Ram Murti** (*supra*) is fully applicable in the present case. In view thereof, the present appeal is disposed off and the amount of compensation is enhanced to ₹5,00,000/-. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

10. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants

within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

11. In view of the above discussion, the present appeal is disposed off and the impugned award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

15.12.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO