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FAO-3220-2002 (O&M)

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

**CM-12021-CII-2021 in/and
FAO-3220-2002 (O&M)**

Decided on : 28.01.2026

Raj Bala @ Bala & ors.

....Appellants

Versus

Manjinder Singh & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Munish Gupta, Advocate
for the appellants.

Mr. Paramjeet Singh, DAG, Haryana.

Mr. G.S.Ahluwalia, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

CM-12021-CII-2021

This is an application for early hearing of the appeal as appellant
No.1 is a senior citizen.

For the reasons mentioned in the application, the same is
allowed. Main case is taken on Board today itself.

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1 Claimants are in appeal aggrieved of award passed by Motor
Accident Claims Tribunal, Jagadhri whereby claimants have been awarded

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compensation of Rs.9,84,600/- in a claim petition filed under Section 163A of the Motor Vehicles Act, 1988 (for short, 'the 1988 Act').

2 Counsel for the claimants submits that after analyzing the evidence, the Tribunal answered issue No.1 in favour of the claimants, holding that the deceased-Jamer Chand @ Ajmer Singh, came beneath the tyre of the bus and died on the spot due to rash and negligent driving of respondent No.1. He submits that it stands proved that the bus driven by respondent No.1 struck against the motorcycle of the deceased from behind and resultantly the deceased was crushed under the tyre of the bus. FIR Ex.P1 was registered. After investigation report under Section 173 Cr.PC Ex.P2 was filed against respondent No.2. Respondent No.2 faced criminal trial. Respondent No.1 himself did not even enter the witness box to rebut the allegations against him. He thus submits that once the negligence of respondent No.1 stands proved, the claim petition should be treated as one under Section 166 of the 1988 Act. He relies upon ratio of law laid down by Coordinate Bench of this Court in *Mamta and others versus Happy and others (2024) 3 PLR 360* to submit that the Appellate Court has power to convert petition under Section 163A to Section 166 of the 1988 Act to do complete justice.

3 Counsel for the respondent is not in a position to dispute that the Tribunal has returned finding on issue No.1 against respondent No.1 and no appeal has been preferred by the respondents.

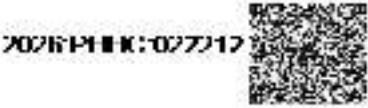
4 I have heard learned counsel for the parties and have gone through the records of the case.



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5 There is no quarrel with the proposition canvassed by the counsel for the appellants that the Appellate Court has the power to convert petition under Section 163A into a one under Section 166 of 1988 Act where the facts and circumstances so require. However, from the award passed by the Tribunal, it is evident that the Tribunal, for all purposes, has dealt with the claim petition as one under Section 166 of 1988 Act only. Concurring with the finding recorded by the Tribunal on issue No.1 and approach of the Tribunal in computing compensation payable to the claimants accordingly, this Court finds that in terms of ratio of law laid down in *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009, Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298 and Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018*, the compensation needs to be reworked.

6 It has come on record that the deceased was drawing salary of Rs.8,634/- per month on the date of his death. The same is taken accordingly. Future prospects of 30% need to be added. Deduction of 1/4th needs to be applied. Multiplier of 15 has been rightly applied by the Tribunal. Claimants are also held entitled for an amount of Rs.18,000/- for loss of estate. Funeral expenses of Rs. 9,500/- awarded by the Tribunal are enhanced to Rs.18,000/-. Each of the claimants is also entitled for loss of consortium @ Rs.48,000/-.



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- With the aforesaid modification, the appeal is disposed off.
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- Needless to say, anything already paid shall be set off and adjusted.

28.01.2026
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No