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FAO-1269-2008 (O&M)

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

FAO-1269-2008 (O&M)

Mukesh Kumar

.....Appellant

Vs.

Intzar and ors.

.....Respondents

Reserved on: 24.04.2026

Pronounced on: 27.04.2026

Uploaded on: 04.05.2026

<i>Whether only the operative part of the judgment is pronounced?</i>	<i>NO</i>
<i>Whether full judgment is pronounced?</i>	<i>YES</i>

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Karan Kaushal, Advocate
for the appellant.

Mr. Om Pal Sharma, Advocate
for respondent No. 2-Insurance Co.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 01.12.2007 passed in the claim petition filed under Section 168 read with Section 140 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') for enhancement of compensation granted to the claimant/appellant on account of injuries suffered by him in a motor vehicular accident, occurred on 08/09.12.2004, whereby the claimant/appellant was granted compensation to the tune of Rs.74,428/- along with interest @ 7.5% per annum.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case are not reproduced for the sake of brevity.

**SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES**

3. Learned counsel for the claimant-appellant has made the following submissions:-

- i) That the amount assessed by the learned Tribunal is on the lower side.
- ii) That Section 163-A and 140 of Motor Vehicles Act, 1988 is now substituted by Section 164 of Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022) and compensation should be enhanced as per the substituted statutory provision i.e. Section 164 of the Act.
- iii) That the present case is covered by the judgment rendered by this Court in **FAO No.4301 of 2006**, titled as **“Akaljit Kaur and Others Vs. Parveen Kumar and Others.”** wherein the claim under Section 163-A and 140 of the Motor Vehicles Act, 1988 was converted to Section 164 of Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022) by relying upon the judgment of Hon’ble *Supreme Court in the case of Ram Murti and others Vs. Punjab State Electricity Board [2022(4) TAC 738]* wherein it was held that Section 164 of the Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022) provides for payment of compensation in case of death in the amount of Rs.5 lakhs and in the case of grievous hurt of Rs.2.5 lakhs.

4. Per contra, learned counsel for respondent No. 2-Insurance Company, however, vehemently argues that the award has rightly been passed



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and the amount of compensation as assessed by the learned Tribunal has rightly been granted. Learned counsel vehemently opposed the converting of present claim petition from Section 140 of Motor Vehicles Act, 1988 to 164 of the Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022). He further contends that the claimant/appellant is not entitled to 9% interest on the enhanced amount of compensation. He, thus prays for dismissal of the appeal.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A perusal of the award indicates that in the present case, the claimant-appellant filed the claim petition seeking compensation on account of injuries suffered by the claimant/appellant. Since section 140 of Motor Vehicles Act, 1988 is now substituted by Section 164 of Motor Vehicles Act, 1988 (Act 32 of 2019 w.e.f 01.04.2022), compensation is liable to be enhanced as per the substituted statutory provision i.e. Section 164 of the Act, therefore, the appellant herein is entitled to be granted the benefit of beneficial provisions enacted by the Parliament under Chapter 11 of which Section 164 provides for payment of compensation in case of death in the amount of Rs.5 lakh and in case of grievous hurt to the extent of Rs.2.5 lakh.

7. Further, this Court in **FAO No.4301 of 2006**, titled as “**Akaljit Kaur and Others Vs. Parveen Kumar and Others**” held as under:-

“11. Hon’ble Supreme Court in the case of **Ram Murti and others Vs. Punjab State Electricity Board** [2022(4) TAC 738] held that the appellants therein to be granted the benefit of beneficial provision enacted by the Parliament under Chapter 11 of which Section 164 provides for payment of compensation in



the case of death in the amount of Rs.5 lakhs and in the case grievous hurt of Rs.2.5 lakhs.

12. This Court in **FAO-195-2006** titled as **Mamta and Others Vs. Happy and Others**, decided on 29.05.2024, held that since Motor Vehicle statute is a beneficial legislation, the Judge should not go into the technicalities of the provisions, under which the application or petition is moved but should apply his judicial mind, as these are only the irregularities and not illegalities which cannot be cured. It has been observed by the Hon'ble Supreme Court that the loss caused to the claimants or the relationship or to the victim of the limb cannot be compensated. Still the Court should make every effort by exercising its discretion empathetically. Further, Justice should actually be shown to be delivered by application of judicial mind with intelligence, prudence, care and caution and by showing empathy. The Court decision should be such that they strengthen the trust and confidence of public and litigants in judicial system and judiciary.”

9. In view of the above, the present appeal is allowed. Accordingly, the award dated 01.12.2007 is modified by converting the claim petition under Section 140 (pre 2018 amendment) to Section 164 (post 2018 amendment) of the Motor Vehicles Act, 1988. As such, the claimant/appellant is held entitled to enhanced compensation to the tune of **Rs.1,75,572/-** (2,50,000-74,428).



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10. So far as the interest part is concerned, as held by Hon'ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma** **2019 ACJ 3176** and **R.Valli and Others VS. Tamil Nandu State Transport Corporation** **(2022) 5 Supreme Court Cases 107**, the appellant-claimant is granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

11. The Insurance Company is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The appellant-claimant is directed to furnish her bank account details to the Insurance Company/Tribunal.

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

(SUDEEPTI SHARMA)
JUDGE

27.04.2026

Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes