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

FAO-5816-2023 (O&M)

Date of Decision : 25.02.2026

Babeeta & Ors

... Appellant(s)

Versus

Shivam & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Namit Khurana, Advocate for the appellants.

ALKA SARIN, J. (Oral)

CM-19907-CII-2023

1. For the reasons mentioned therein, the application seeking condonation of delay of 303 days in filing the appeal is allowed and the delay of 303 days in filing the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellants challenging the impugned award dated 07.09.2022 passed by the Motor Accident Claims Tribunal, Yamuna Nagar (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 ₹5,25,000/- has been awarded alongwith interest @ 7.5% per annum from the date of filing of the petition till its realization.

3. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

4. Notice of motion to respondent No.3-Insurance Company only.
5. Mr. Vinod Gupta, Advocate accepts notice on behalf of respondent No.3-Insurance Company and waives service.
6. Learned counsel for the claimant-appellants would contend that the deceased, who unfortunately died in a motor vehicle accident which occurred on 26.06.2019, was 18 years of age at the time of the accident. Learned counsel for the claimant-appellants would further contend that the compensation of ₹5,25,000/- awarded by the Tribunal is on the lower side inasmuch as no compensation has been awarded under the conventional heads as well as under the head 'loss of consortium'.
7. Learned counsel for respondent No.3-Insurance Company would contend that the compensation of ₹5,25,000/- awarded by the Tribunal is on the higher side because as per the amended provisions of the Act, Section 163-A stands merged with Section 164 of the Act of 1988 and in case of death, the compensation cannot exceed a sum of ₹5,00,000/-. In support of his contentions, the learned counsel 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]**.
8. Heard.
9. 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 the Tribunal has awarded a compensation of ₹5,25,000/- 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.”

10. In view of the above, no fault can be found with the impugned award and no ground is made out for enhancement of compensation. Accordingly, the present appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.02.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

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