



FAO-472-2005 (O&M)

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

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**FAO-472-2005 (O&M)
Date of decision: 12.03.2026**

MEENA & ORS.

....APPELLANTS

VERSUS

BALJINDER KUMAR & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. B.S. Mittal, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate for
Mr. D.P. Gupta, Advocate
for respondent No.2-National Insurance Company.

Mr. R.C. Kapoor, Advocate and
Mr. Arsh Khurana, Advocate
for respondent No.6-The New Indian Assurance Company Ltd.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal has been instituted against the Award dated 22.09.2004 for enhancement of the compensation awarded in MACT Case No.9 of 2001 decided by the Motor Accident Claims Tribunal, Sirsa (**for short "Tribunal"**) in a petition under Section 163-A of Motor Vehicles Act, 1988 (**hereinafter referred to as 'Act'**) vide which a sum of Rs.2,69,500/- has been awarded as compensation to the claimants alongwith interest at the rate of 9% per annum from the date of filing of claim petition till realization on account of the death of Gurdev Singh in a motor vehicular accident.

2. From the pleadings of parties, following issues were framed by the learned Tribunal:-

"1. Whether the petitioners are only legal heirs of deceased Gurdev Singh and entitled to compensation? If so, how much and from whom? OPP

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2. *Whether the respondent No.1 was not holding a valid driving licence at the time of accident? If so, its effect? OPR2*
3. *Whether the respondent No.3 was not holding a valid driving licence at the time of accident? If so, its effect? OPR4.*
4. *Whether the respondent No.5 not holding a valid driving licence at the time of accident? If so, its effect? OPR6*
5. *Relief.”*

3. Thereafter, the parties led evidence in support of their case.

4. After hearing the parties and going through the material on the file, the learned Tribunal awarded a sum of Rs.2,69,500/- as compensation to the claimants, on account of death of Gurdev Singh along with interest @ 9% per annum from the date of filing of claim petition till realization.

5. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

6. The only issue required to be determined in the present appeal relates to the assessment/enhancement of compensation. Therefore, the entire facts regarding the manner of accident are not required to be reproduced in detail, as the Tribunal has already held that the accident in question had taken place on account of use of vehicles bearing No.HR-24-B-0945, HR-39-2772 and GJ-12-U-7524 which are owned by respondents No.1, 3 & 5 and insured with respondents No.2, 4 and 6 respectively and insurers of the abovesaid vehicles were held liable to pay the compensation to the claimants. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with so far as liability of respondents is concerned.

7. Learned counsel for the appellants argued that initially the claim



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petition was filed under Section 163-A of the Act and now Section 164 has been inserted in place of Section 163-A in the Motor Vehicles Act, according to which, the claimants are entitled to the compensation to the extent of Rs.5,00,000/- on account of death of a person on whom the claimants were dependent. Learned counsel further contended that Hon'ble Supreme Court in 2023 ACJ 631 **Ram Murti & Ors. Vs. Punjab State Electricity Board** has retrospectively applied the provision contained in Section 164 of the Act and has granted compensation to the tune of Rs.5,00,000/- in the case of death which had taken place prior to Motor Vehicles (Amendment) vide Act No.32 of 2019 and the claimants too are thus entitled to enhanced compensation of Rs.5,00,000/-. In support of his contention, learned counsel has also relied upon the judgments reported as Law Finder Doc ID #2642801 **Santosh @ Munna Devi and Ors. Vs. Swaranjti Singh and Ors.** and judgment dated 23.01.2024 of a Co-ordinate Bench of this Court in FAO-5204-2006 **Chhailu & Anr. Vs. Ashok Kumar & Anr.**

8. On the other hand, learned counsel for the respondents argued that the judgment in **Ram Murti's case (supra)** is not applicable in the present case and sufficient amount has already been awarded as compensation and there is no scope for further enhancement.

9. Hon'ble Supreme Court in **Ram Murti's case (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/-.



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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 **Ram Murti's case (supra)**, the petition was filed under Section 166 of Motor Vehicles Act, 1988, which had been dismissed and the accident had taken place when Section 164 of Act had not come into existence and the accident had infact taken place on 23.05.1991 prior to the said amendment. However, Hon'ble Supreme Court observed that the Motor Vehicles Act is a beneficial provision and applied the beneficial provision of Section 164 of Motor Vehicles Act retrospectively in cases of no-fault liability under Section 163-A and awarded a lump sum compensation of Rs.5,00,000/- to the claimant. The aforesaid judgment has been followed by this Court in **Santosh @ Munna Devi's case (supra)** and **Chhailu's case (supra)**.

11. In the present case, the accident took place on 02.10.1999, resulting in death of Gurdev Singh on account of use of vehicle. The claim petition was filed under Section 163-A of the Act and now Section 164 of the Act has replaced the previous Section 163-A vide Act No.32 of 2019 under which claimants are entitled to compensation to the extent of Rs.5,00,000/-. Accordingly, in view law laid down in **Ram Murti's case (supra)**, it is held that the claimants are also entitled to compensation of **Rs.5,00,000/-** on account of death of Gurdev Singh as against Rs.2,69,500/- awarded by the Tribunal along with interest @ 9% per



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annum from the date of filing of claim petition till realization.

12. As a result of the aforesaid discussion, the present appeal is partly allowed and the appellants are held entitled to enhanced compensation of **Rs.2,30,500/- (Rs.5,00,000/- - Rs.2,69,500/-)** along with interest @ 9% per annum from the date of filing of claim petition i.e. 19.01.2001 till realization payable by respondents on the same terms as has been ordered by the Tribunal.

13. Registry is directed to email the authenticated copy of the award to the respondents/Insurance Companies in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others**, decided on 16.03.2021 and Insurance Companies shall comply with the directions as issued under Clause (F) of the said judgment.

14. Pending misc. application (s), if any, shall also stand disposed of.

12.03.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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