



FAO-4934-2010(O&M)

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

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FAO-4934-2010(O&M)
Date of decision: 14.05.2026

MALKIAT KAUR AND ANR.

....APPELLANT(S)

VERSUS

SWARAN SINGH AND ORS.

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. A.S. Sandhu, Advocate
for the appellant(s).

Mr. Lalit Garg, Advocate
for respondent No.3-Insurance Company.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal has been instituted against the Award dated 05.12.2009 for enhancement of the compensation awarded in MACT Case No.29 of 2009 decided by the Motor Accident Claims Tribunal, Moga (**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.2,18,000/- has been awarded as compensation to the claimants alongwith interest at the rate of 6% per annum from the date of filing of claim petition till realization on account of the death of Gurinder Singh in a motor vehicular accident.

2. Mr. A.S. Sandhu, Advocate has appeared and filed Power of Attorney on behalf of the appellants, which is taken on record. Registry is directed to tag the same at an appropriate place.

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

“1. Whether Gurinder Singh on 6.3.2009 died in Motor Vehicle



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Accident with Trola No.PB29G9925 driven by the respondent No.1?OPA

2. *Whether the applicants are entitled to receive compensation if so what amount and from whom?OPA.*
3. *Whether the driver of the offending Trola was not holding valid and effective driving licence at the time of alleged accident?OPR3.*
4. *Whether the offending Trola was being driven in contravention of the terms of the insurance policy, if so its effect?OPR*
5. *Relief."*

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

5. After hearing the parties and going through the material on the file, the learned Tribunal awarded a sum of Rs.2,18,000/- as compensation to the claimants, on account of death of Gurinder Singh along with interest @ 6% per annum from the date of filing of claim petition till realization.

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

7. The only issue required to be determined in the present appeal relates to the 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 vehicle bearing No.PB-29-G-9925 driven by respondent No.1 and insurer of the abovesaid vehicle was 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.



8. Learned counsel for the appellants argued that initially the claim 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/-.

9. 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.

10. 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/-.

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."

11. 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 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.

12. In the present case, the accident took place on 06.03.2009, resulting in the death of Gurinder Singh on account of use of vehicle. The claim petition was filed under Section 163-A of the Act. The amendment in Motor Vehicles Act has came into force w.e.f. 01.04.2022 vide which Section 163-A of the Act has been repealed and replaced by Section 164 of the Act. However, before this amendment came into force, the Government by way of Motor Vehicle (Amendment) Act, 2019, vide Act No.32 of 2019 w.e.f. 01.09.2019 had replaced 163-A of the Act with Section 164 and as such, Section 164 had infact come into force w.e.f. 01.09.2019, 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 Gurinder Singh as against Rs.2,18,000/- awarded by the Tribunal.

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13. As a result of the aforesaid discussion, the present appeal is partly allowed and the appellants are held entitled to enhanced compensation of **Rs.2,82,000/- (Rs.5,00,000/- - Rs.2,18,000/-)** along with interest @ 9% per annum from the date when Section 164 of the Act came into force i.e. 01.09.2019, till realization, payable by respondent-Insurance Company on the same terms as has been ordered by the Tribunal.

14. 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.

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

14.05.2026

Vishal Vardhan

**(YASHVIR SINGH RATHOR)
JUDGE**

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