



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1634-2020

Reserved on:- 14.07.2026

Pronounced on: 17.07.2026

Date of uploading: 21.07.2026

Navjot Kaur and Others

....Appellants

Versus

Kuldeep Singh and Ors.

...Respondents

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Ms. Ekta Thakur, Advocate with
Ms. Pawandeep Kaur, Advocate for the appellants.

Mr. S.S.Kamboj, Advocate and
Mr. Manvir Singh Kamboj, Advocate for respondent No.1.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

AMARJOT BHATTI, J.

1. The appellants/claimants – Navjot Kaur and others filed present appeal against impugned award dated 03.12.2019 passed by Motor Accident Claims Tribunal, Chandigarh vide which all the claimants were awarded compensation to the tune of Rs.15,71,080/- with interest @ 6% per annum from the date of filing of petition as detailed therein.

2. Brief facts of the case are that on 17.03.2018 Karam Chand (since deceased) was going on his motorcycle No. PB-65-AP-9644 from Kurali-Ropar via village Tangori towards village Karala as pillion rider, driven by Paramjit Singh. At about 08:00 PM when they reached by the side of village Shekhan Majra, Karam Chand wanted to ease himself. Paramjit Singh stopped the motorcycle and Karam Chand went across the road and after easing himself when he was coming towards the



motorcycle, he was hit by Eicher Canter Truck No.PB-65-N-7651 driven at a very high speed in a rash and negligent manner. The injured was being shifted to Civil Hospital Banur but he succumbed to the injuries suffered by him. Regarding this accident, FIR No.25 dated 18.03.2018 was registered at Police Station Banur, District Patiala. It is alleged that at the time of accident Karam Chand was about 44 years of age and was working as a welder with ATS Dera Bassi, District Mohali. He was also running a workshop in his village. He was getting Rs.12,000/- per month from ATS, Dera Bassi and Rs.6,000/- per month by doing welding work in the village. They prayed for compensation to the tune of Rs.60 Lakhs.

3. The claim petition was contested by respondents No.1 & 2 by filing joint reply denying the factum of accident. It was alleged that the averments in the petition were wrong and denied.

4. The respondent No.3-Insurance Company filed separate written reply taking preliminary objection. It was alleged that the vehicle was being driven in violation of terms and conditions of insurance policy. The driver was not holding a valid driving licence, Registration Certificate, route permit and insurance policy. The Insurance Company also prayed for dismissal of claim petition.

5. From the pleadings of the parties, following issues were framed by the Tribunal on 06.03.2019:-

(1) Whether on 17.03.2018, driver of the vehicle caused the death of Karam Chand by rashly and negligently driving the offending vehicle Eicher Canter Truck No.PB-65-N-7651?

OPP

(2) *Whether the petitioners are entitled to compensation, if yes, how much and from whom? OPP*

(3) *Whether the driver of the vehicle was not holding an effective and valid driving license at the time of accident? OPR*

(4) *Whether the claimants have received any compensation from any concerned authority, if so what effect? OPR*

5. *Relief.*

6. In order to prove the claim petition, the claimants examined Paramjit Singh as PW-1, claimant No.1 Navjot Kaur as PW-2, Sandeep Sharma, Manager Administration and HR from ATS Estates Private Limited as PW-3, Jagir Singh as PW-4 and after tendering documents closed the evidence.

7. In order to rebut the evidence of the claimants, the respondents tendered copy of Registration Certificate as Mark A, copy of insurance policy Exhibit P-3, Copy of Driving License of respondent No.1 as Exhibit R-1, Copy of Route Permit as Exhibit R-2 and closed the evidence.

8. After hearing the arguments advanced by learned counsel for both the parties, the claim petition filed by the claimants Navjot Kaur and others was allowed by passing impugned award dated 03.12.2019 vide which the compensation was awarded to the tune of Rs. 15,71,080/- as detailed therein by holding the liability of respondent No.3-Insurance Company along with interest @ 6% per annum from the date of filing of the petition. Feeling aggrieved of this Award, the present appeal has been preferred by appellants/claimants.

9. Learned counsel representing appellants/claimants has argued

present appeal only on the ground that compensation awarded by

the Motor Accident Claims Tribunal is towards lower side. The income of deceased was not rightly assessed by the Tribunal. The claimants led convincing evidence on record to show that the deceased victim was getting salary of Rs.12,000/- per month from ATS, Dera Bassi and was earning Rs.6,000/- per month by doing private work. Navjot Kaur, one of the claimants is examined as PW-2, Sandeep Sharma, Manager Administration and HR from ATS Estates Private Limited, Dera Bassi stepped into the witness box as PW-3 and proved on record the attendance register. He also stated that the attendance was marked project wise. As per his version, the deceased victim worked up to 16.03.2018 and his salary was Rs.9,300/- per month. The document prepared by him in this regard is Annexure P-8. Regarding the private work allegedly carried out by the deceased victim, Jagir Singh a co-villager stepped into the witness box as PW-4 and stated that Karam Chand was doing welding work in the village as well as in surrounding villages and used to earn Rs.6,000/- per month by doing welding work over and above the job done by him with ATS Estates Private Limited. It is pointed out that the income of deceased victim was wrongly considered as Rs.9,530/- per month. It is further pointed out that regarding loss of consortium, no amount has been awarded to the minor children as well as mother of the deceased victim. Therefore, compensation awarded by the Tribunal is inadequate and the same requires modification

10. On the other hand, learned counsel appearing on behalf of respondents No.1 and 3 categorically stated that the quantum of compensation awarded by the Tribunal does not require any interference.

There is no documentary proof that the deceased victim was earning

Rs.6,000/- per month by doing the job of welding in the village and surrounding villages. It is further pointed out that as per the case of claimants, the deceased victim was working as a welder whereas Sandeep Sharma-PW3 examined by the claimants stated that he was working as a Fitter in their company. All the facts were rightly considered by the Motor Accident Claims Tribunal while awarding compensation to the claimants. Therefore, the Award passed by the Motor Accident Claims Tribunal does not require any interference.

11. I have considered the arguments and have gone through the record carefully. In the case in hand, Navjot Kaur one of the claimants stepped into the witness box as PW-2 to prove the facts narrated in the claim petition. In order to prove the job of deceased victim with ATS Estates Private Limited, Dera Bassi, the claimants examined Sandeep Sharma, Manager Administrator of the said concern as PW-3. As per his version deceased victim was working in their concern and he worked up to 16.03.2018. His salary is mentioned as Rs.9,300/- per month. Regarding private work carried out by the deceased victim, claimants examined Jagir Singh PW-4 but during examination, he could not give any convincing reply regarding the welding work done by the deceased victim in the village itself. He could not produce any proof to show that he had taken some shop on rent for doing his private work. The oral testimony of Jagir Singh PW-4 was not considered by the Motor Accident Claims Tribunal. There is no documentary proof to establish the financial status of deceased victim by doing private job. Therefore, considering all the facts, the Motor Accident Claims Tribunal has rightly considered his monthly income as per the report of Labour Commissioner, Punjab to the tune of Rs.9,530/-

per month. The increase in income was granted to the extent of 25% considering his age as 44 years. Since present petition is filed by the wife, two children and mother of the deceased victim, $\frac{1}{4}$ th income was rightly deducted towards personal expenditure. As provided in **“Sarla verma and others versus Delhi Transport Corporation & Anr. 2009 (3) RCR (Civil) 77**, multiplier of 14 was rightly applied in the present case and the compensation was rightly calculated to the tune of Rs.15,01,080/-. The claimants were further granted funeral expenses, loss of estate to the extent of Rs.15,000/- under each head.

However, while granting compensation towards loss of consortium, only Rs.40,000/- was granted ignoring the mother and two children of the deceased victim. On account of this, the findings given by the Motor Accident Claims Tribunal pertaining to issue No.2 are modified to the extent that claimants/appellants No.2 to 4 are entitled to compensation of Rs.40,000/- each under the head of loss of consortium i.e. Rs.1,20,000/- and the findings given by the Motor Accident Claims Tribunal pertaining to issue No.2 are accordingly modified. The Insurance Company is liable to pay aforesaid amount of Rs.1,20,000/- along with interest @ 6% per annum from the date of filing of present appeal till realization of the amount in favour of appellants/claimants No.2 to 4 in equal shares.

The appeal preferred by the appellants-claimants is partly accepted as referred above. Copy of order be sent to the Tribunal concerned.

12. The copy of record received from the Tribunal be sent back to the concerned quarter.

17.07.2026
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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