



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

239

**XOBJC-131-2025 in/and
FAO-2899-2001 (O&M)
Date of decision:06.07.2026**

NIRMALA AND OTHERS

...APPELLANTS

VERSUS

MAHA SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Jyotsna Saini, Advocate for
Mr. Ashish Yadav, Advocate
for appellants.

Mr. Ranjeet K. Jaswal, Advocate with
Mr. Sandeep Kaur, Advocate
for respondent No.1-Cross-Objector.

Mr. Vinod Gupta, Advocate
for respondent No.2-Insurance Company.

PARMOD GOYAL, J. (ORAL)

CM NO.25327-CII OF 2025 IN XOBJC-131-2025

For the reasons stated in the application under Section 5 of Limitation Act for condonation of delay of 94 days in filing the cross-objections, same is allowed. Delay of 94 days in filing the cross-objections is condoned.

CM NO.25328-CII-2025 IN XOBJC-131-2025

For the reasons stated in the application under order XLI Rule 27 of Code of Civil Procedure, 1908 for placing on record judgment of acquittal dated 11.03.2008 passed by learned Chief Judicial Magistrate, Sonapat in FIR No.281 dated 19.07.1999 under Section 279/304A IPC registered with

police station City Sonapat, same is allowed as same is required for just adjudication of present appeal.

FAO NO.2899 OF 2001 AND XOBJC NO.131 of 2025

2. Present appeal has been preferred by the appellants-claimants who are wife, minor daughter and minor son of Zile Singh (hereinafter referred to as the ‘**deceased**’), who died in motor vehicular accident which took place on 19.07.1999, on account of rash and negligent driving by respondent No.1 while driving vehicle bearing registration No.HR-33 GA/0059 (hereinafter referred to as ‘**offending vehicle**’), being aggrieved by award of insufficient compensation of Rs.94,200/- awarded vide impugned award dated 23.04.2001, passed by the Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as ‘**Tribunal**’), being not in accordance with their entitlement.

3. Learned Tribunal had awarded following compensation to appellants-claimants:-

Income	Rs.1,800/-
Deduction	1/3rd
Loss of dependency	14,400/-
Multiplier	13
Loss of dependency	1,87,200/-
Spousal consortium	Rs.5,000/-
Funeral expenses	Rs.2,000/-
Total compensation awarded	Rs.1,94,200/-

4. On the other hand, respondent No.1-driver and owner of offending vehicle has preferred cross-objections seeking to challenge finding of learned Tribunal on issue No.1 and has claimed that learned Tribunal has

wrongly come to the conclusion that accident was result of rash and negligent driving on the part of respondent No.1 only on the basis FIR in which he stands acquitted.

5. It was the case of appellants-claimants that on 19.07.1999 deceased after his meals at the shop of his nephew Bhagat Singh has gone for urinating on the kutchra side of the road on his left side. In the meanwhile, offending vehicle being driven by respondent No.1 in rash and negligent manner without blowing any horn struck against deceased resulting into multiple injuries and his death. FIR (Ex.P1) was duly lodged regarding death of Zile Singh on account of rash and negligent driving of respondent No.1.

6. Respondent No.1 had not denied the accident in totality rather claimed that accident had taken place due to carelessness and negligence of deceased who suddenly emerged from wrong side of the road and hurriedly tried to cross the road. That deceased could not decide whether or not to cross the road and on account of his attempt to make crossing, accident took place solely on account of rash and negligence of deceased himself.

7. Respondent No.2-Insurance Company has also denied the manner of accident as well as its liability to pay compensation.

8. From the pleadings of the parties, following issues were framed:-

- i. Whether the accident in question took place due to the rash and negligent driving of TATA-709 No.HR-33/GA-0059 by respondent No.1 Maha Singh, owned by respondent No.1 and insured with respondent No.2 United India Insurance Col. Limited and whether in the

accident in question Zile Singh died? OPP.

- ii. If issue No.1 is proved, whether the claimants are the only legal heirs/dependants of deceased Zile Singh and to what amount of compensation they are entitled and from whom? OPP.
- iii. Whether the petition does not disclose any cause of action against respondent no.1? OPR-2.
- iv. Relief.

9. PW2-Bhagat Singh was examined as eye-witness who happens to be author of FIR. He reiterated the manner of occurrence as was stated by PW1-Nirmala (wife of deceased) by stating that Zile Singh was hit by offending vehicle while he was going for urination on the left side of *katcha* portion of the road, by rash and negligent driving of offending vehicle. PW-2 had duly stated to have lodged FIR (Ex.P/1) against the respondent No.1.

10. On the other hand, respondent No.1 had also appeared as RW-1 and claimed that it was deceased who had suddenly appeared on the road as he was trying to cross the road and due to his indecision, he got struck by the vehicle due to his own fault.

11. In present case, as far as accident is concerned, same was not being disputed even by respondent No.1. On one hand, the manner of accident as was stated by appellants-claimants have come to public domain immediately after the occurrence on the date when the FIR was lodged without there being any unexplained delay, whereas the manner of occurrence as stated by respondent No.1 came only to public domain after the written statement filed by respondent No.1. If the oral assertions made by both the sides are taken into consideration on the standards of

preponderance of probability, in that case in view of fact that the manner of accident, as stated by PW-2 and come in public domain immediately after occurrence, goes to vouch for its credibility, whereas respondent No.1 had sufficient time to wriggle out of his liability to pay compensation and therefore the evidence of PW2 and evidence of RW-1 has rightly been accepted by learned Tribunal.

12. The argument raised on behalf of respondent No.1-cross-objector that since respondent No.1 was acquitted by Criminal Court, therefore, his statement while appearing as RW-1 be accepted by the Court. However, I do not find any merit in the contention raised on behalf of respondent No.1-cross objector. The findings of Criminal Courts are not binding on Motor Accidents Claims Tribunal. Moreover, standard of proof in motor accident claim cases and in criminal cases are totally different. On one hand, the evidence in motor accident claim cases has to be appreciated on the standard of proof of preponderance of probabilities, whereas in criminal case, the conviction can be secured only by proving the case beyond reasonable doubt. In present case, involvement of offending vehicle stands duly proved and accident is admitted, therefore, mere acquittal of respondent No.1-cross-objector by itself is not sufficient not to conclude rash and negligent driving on the part of respondent No.1. Therefore, no fault with the conclusion drawn by learned Tribunal on issue No.1 can be found. Findings of learned Tribunal on issue No.1 are upheld. Cross-objections preferred by respondent No.1 is accordingly dismissed.

13. Appellants-claimants have claimed that deceased Zile Singh was earning Rs.8,000/- per month and to support this assertion, appellant-

claimant No.1-Nirmala had appeared, however except for oral assertions, no material was placed on record by appellants-claimants to prove vocation as well as income of deceased at the time of his death. In these circumstances, learned Tribunal has rightly held deceased to be an able-bodied person and taken his income equivalent to minimum wages payable in the year 1999. Minimum wages in the year 1999 were Rs.1,800/- per month-. Accordingly, the income of deceased is taken as Rs.1,800/- per month for the purposes of calculating loss of dependency. Admittedly, deceased was aged 47 years at the time of accident, accordingly learned Tribunal has rightly applied the multiplier of '13' as per age of deceased. Similarly, deceased was survived by 03 dependents i.e. wife, minor daughter and minor son, therefore, 1/3rd deduction towards personal expenses has also been rightly made. No addition of future prospects have been made by learned Tribunal to determine loss of dependency. Keeping in view age of deceased, 25% towards future prospects ought to be added to the income of deceased in view of judgment passed by Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680. Appellants-claimants are also entitled to compensation of Rs.40,000/- each under the head loss of spousal and parental consortium. Appellants-claimants shall also be entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate. It is however made clear that in case Hon'ble Supreme Court answer the reference regarding quantum of compensation under conventional head made in **Hasina Yasmin & Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2919 in favour of appellants, appellants shall be free to seek said amount by moving

appropriate application in this regard.

14. Accordingly, reworked compensation payable to appellant-claimant is as under :-

Income	Rs.1,800/- per month	Rs.1,800/- per month
Future Prospects	25% (1800+450)	Rs.2,250/-
Deduction	1/3rd (2250-750)	Rs.1,500
Multiplier	13	13
Total loss of dependency	1500X13X12	Rs.2,34,000/-
Loss of Estate		Rs.15,000/-
Funeral Expenses		Rs.15,000 /-
Loss of spousal consortium to claimant No.1		Rs.40,000/-
Loss of parental consortium to claimant Nos. 2 & 3	Rs.40,000X2	Rs.80,000/-
Total Compensation awarded by Tribunal	Rs.1,94,200/-	
Total Compensation awarded in appeal		Rs.3,84,000/-
Enhanced amount of	Rs.3,84,000/-	Rs.1,89,800/-

compensation	(awarded in appeal) – Rs.1,94,200/- (awarded by Tribunal)	
--------------	---	--

15. Appellants-claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount except under the conventional heads i.e. loss of consortium, funeral expenses, loss of estate. Under conventional heads interest shall be payable from August 2017 onwards till realization. Apportionment and liability to pay compensation shall be as per award.

16. Present appeal is allowed in above terms.

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

(PARMOD GOYAL)
JUDGE

06.07.2026
Sunil Chander

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