



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

FAO-1571-2025 (O&M)
Date of Decision: 19.11.2025

Krishan Kumar and anotherAppellants

V/s

Amrik Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ranjeet K. Jaiswal, Advocate, for the appellants.
Mr. Harinder Kumar, Advocate, for respondent No.3.

VIKRAM AGGARWAL, J.

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide award dated 14.11.2024 passed by the Motor Accident Claims Tribunal, Patiala (for short 'MACT').

2. The facts, as emanating from the paper book, are that appellants/claimants, who are the parents of the deceased Jaspreet Singh @ Jassi, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') claiming compensation on account of death of Sh. Jaspreet Singh @ Jassi (hereinafter referred to as the "deceased") in a motor vehicular accident which took place on 27.10.2021.

3. It was averred that on 27.10.2021 at about 8.10 a.m., their son Jaspreet Singh was sitting on the pillion side of motorcycle bearing Regn. No.PB-11-AC-1760, which was being driven by one Dimple and was coming from Village Ghagga to Village Chauhat for painting purpose. When they reached near Namcharcha Ghar, one truck bearing Regn. No.PB-11-BA-8951 (hereinafter referred to as the "offending vehicle") came in a rash and negligent manner being driven by respondent No.1 (Amrik Singh)

from the side of Dedhna-Samana and struck into the motorcycle as a result

of which Jaspreet Singh died at the spot. Dimple, who was driving the motorcycle, also suffered serious injuries. On receipt of information, the father of the deceased along with his brother and younger son Harpreet Singh took Jaspreet Singh to Civil Hospital, who was declared dead. In this regard, FIR No.160 dated 27.10.2021 was registered under Sections 279 and 304A/427 IPC at Police Station Ghagga. It was claimed that the accident had taken place on account of the rash and negligent driving of the offending vehicle by respondent No.1. It was further averred that the deceased was doing the work of painter and contractor and was earning Rs.50,000/- per month.

4. The claim petition was opposed. Respondents No.1 to 2 denied the factum of negligence on their part and averred that the accident in question had taken place on account of the rash and negligent driving of the motorcycle. The insurance company (respondent No.3 herein) also opposed the claim petition and took its usual defences.

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

- “1. Whether Jaspreet Singh @ Jassi died in a motor vehiclular accident which took place on 27.10.2021 at about 8.10 a.m. in the area of near Namcharcha Ghar Ghaga due to rash and negligent driving of respondent No.1 while driving truck No.PB-11-BA-8951 and hit with motorcycle No.PB-11-AC-1780 on which deceased was sitting?OPP***
- 2. If issue No.1 is proved, whether claimants are entitled to compensation, if so, to what extent and from whom?OPP***
- 3. Whether the driving license of respondent No.1 is not valid and effective driving license?OPR 3***
- 4. Whether the present petition is not maintainable in the present form?OPR3***
- 5. Whether the present petition is time barred? OPR3***
- 6. Relief.”***

6. Parties led their respective evidence.

The MACT held that the accident had taken place on account of

the rash and negligent driving of the offending vehicle by respondent No.1.

8. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. Concededly, the deceased (Jaspreet Singh) was 20 years old. His monthly income was assessed at Rs.9400/- per month as an unskilled labourer. ½ deduction was applied for personal expenses and 40% were added on account of future prospects in terms of the judgment of the Hon'ble Supreme Court of India in the case of ***National Insurance Co. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009***. Applying a multiplier of '18' and awarding funeral expenses and loss of estate of Rs.33000/- (Rs.16500/- under each head), a total sum of Rs.14,54,280/- was awarded as compensation by the MACT.

9. Learned counsel for the appellants submits that the father of the deceased had duly stepped into the witness box and had deposed that the deceased (Jaspreet Singh) was a painter by profession and, therefore, the MACT should have assessed the income at least by treating the deceased to be a skilled worker and not an unskilled worker.

10. *Per contra*, learned counsel for the insurance company submits that adequate compensation has been granted. However, he could not deny about the consortium/filial compensation.

11. I have considered the submissions made by learned counsel for the parties.

12. Apart from the bald statement of one of the claimants, no other evidence worth its name was produced to prove that the deceased was a painter. Mere assertions would not be sufficient to conclude that the deceased was a painter by profession. Under the circumstances, no fault can be found with the findings of the MACT vide which it treated the deceased

13. There is no dispute as regards the age group and the consequential multiplier, the income, deduction on account of personal expenses etc. Even on quantum, the only ground is that no compensation on account of filial consortium has been granted by the MACT.

14. That being so, in view of the judgment of the Hon’ble Supreme Court of India in *National Insurance Co. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009*, apart from the compensation that has been awarded by the Tribunal, a sum of ₹48,000/- to each of the claimants is awarded on account of filial consortium. The amount awarded on account of loss of estate and funeral expenses is enhanced to ₹36,000/- (Rs.18000/- under each head). Therefore, the compensation under conventional heads is enhanced as under:-

Sr. No.	Assessed by the MACT Heads of Claim		Enhanced by this Court
1	Income + 40% Future Prospects Rs.1,57,920/-	Rs.1,57,920/-	(No change)
2	½ personal expenses Rs.78,960/-	Rs.78,960/-	(No change)
3	Compensation after applying multiplier of ‘18’ i.e. Rs.78960/- X 18	=Rs.14,21,280/-	=Rs.14,21,280/- (No change)
4	Funeral Expenses	Rs.16500/-	Rs.18000/-
5	Loss of Estate	Rs.16500/-	Rs.18000/-
6	Filial Consortium	No compensation	Rs.96000/- (Rs.48000/- each)
7	Total Compensation awarded	Rs.14,54,280/-	Rs.15,53,280/-

15. The total compensation, therefore, comes to Rs.15,53,280/- After deducting a sum of Rs.14,54,280/-, as assessed by the MACT, the balance compensation comes to Rs.99,000/-. This amount would be payable in addition to the amount assessed by the learned MACT along with interest

@ 7.5 per cent annually. The liability to pay the same would be as per the award.

16. The present appeal is accordingly disposed of.
- Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

November 19, 2025

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