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

FAO-2360-2023 (O&M)
Date of Decision: 02.12.2025

Mina Devi alias Meena Devi and another ....Appellants

V/s

Jaswant Singh and others ….Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Yogesh Gupta, Advocate, for the appellants.

Mr. Punit Jain, Advocate,
for respondent No.3-Insurance Company.

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**VIKRAM AGGARWAL, J. (ORAL)**

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide Award dated 30.07.2022 passed by the Motor Accident Claims Tribunal, SAS Nagar (for short 'the MACT').

2. The facts, as emanating from the paper book, are that appellants/claimants, who are the parents of the deceased-Sonu Kumar Singh, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') claiming compensation on account of the death of Sonu Kumar Singh in a motor vehicular accident which took place on 13.11.2020.

3. It was averred that on 13.11.2020, Sonu Kumar Singh along with his friend Rahul Kumar was going to the home of the paternal aunt of aforesaid Rahul Kumar at Bassi Pathana on their motorcycle bearing Regn No.PB65-AR-9121 for giving Diwali Gift. The motocycle was being driven by Sonu Kumar Singh at a slow speed on the correct side of the road and Rahul Kumar was the pillion rider. They were also followed by one Sanjay

Kumar, who was the brother of the aforesaid Rahul Kumar. It has been averred that at about 8.00 p.m. when they reached near the bend of Village Tibba Keh, a truck bearing Regn. No.PB03-AJ-2825 (hereinafter referred to as the "offending vehicle") was wrongly parked on the road without any parking lights and indicator. The front side of the truck was stated to be towards Bassi Pathana. As a result, the motorcycle of Sonu Kumar Singh struck on the back side of the offending vehicle. Both, Sonu Kumar Singh and Rahul Kumar fell down on the road. The driver of the offending vehicle disclosed his name as Jaswant Singh. Both injured were taken to Civil Hospital, Bassi Pathana, where both were declared to be brought dead. It was averred that that the accident had taken place on account of the negligence of the driver (respondent No.1 ) of the offending vehicle. The matter was reported to the police by Sanjay Kumar, the brother of the aforesaid Rahul Kumar and FIR No.166, dated 14.11.2020 was registered at Police Station Bassi Pathana, under Sections 279, 283, 304A and 427 IPC. As such, compensation of Rs.50 lakhs was claimed by the claimants.

4. On notice, respondents No.1 to 2 appeared and filed their joint written statement. They denied all the averments made in the petition including the factum of the accident.

5. The claim petition was opposed by respondent No.3-insurance company. In the written statement, it took its usual defences and denied the factum of the accident.

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

> ***"1. Whether Sonu Kumar Singh died in a road side accident caused by the respondent No.1 while driving truck bearing No.PB03-AJ-2825 in a rash and negligent manner?OPP***
>
> ***2. Whether the claim petition is not maintainable?OPR3***
>
> ***3. Whether the claimant is entitled to receive compensation as prayed for? If so, to what extent and from whom? OPP***

***4. Whether the respondent No.1 being driven of the above said vehicle was not holding valid and effective driving licence at the time of accident?OPR3***

***5. Whether the respondent No.1 had committed breach of terms and conditions of the insurance policy, if so, its effect?OPR3***

***6. Relief."***

7. Parties led their respective evidence.

8. The MACT held that the accident had taken place on account of the rash and negligence of the offending vehicle by respondent No.1. As regards the quantum of compensation, the age of the deceased was assessed as 28 years and his monthly income was assessed as Rs.22763/- per month. All the claimants were held to be dependent on the income of the deceased. In terms of the law laid down in the case of ***National Insurance Company vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009*** and ***Sarla Verma vs. DTC, 2009 (6) SCC 121*** and keeping in view the age of the deceased, a multiplier of '17 was applied by the MACT. The MACT assessed and granted the following compensation:-

| Sr. No. | Heads of Claim | |
|---|---|---|
| 1 | Age of the deceased | 28 years |
| 2 | Income of the deceased | Rs.22763/- |
| 3 | After deducting 1/3$^{th}$ of the income as personal expenses of the deceased (Rs.7587.66) | Rs.15175.34/-<br>Rs.1,82,104.08/- |
| 4 | After applying Multiplier of '17' | Rs.1,82,104.08/- x 17<br><br>=Rs.3095769.36/- |
| 5 | Loss of Estate | Rs.15000/- |
| 6 | Loss of consortium | Rs.40000/- |
| 7 | Funeral Expenses | Rs.15000/- |
| 8 | **Total Compensation** | **Rs.31,65,767.36/-** |

As such, compensation of Rs.31,65,767.36/- was granted along with interest @ 9% per annum from the date of filing of the claim petition till its actual realization. As it was not proved by the respondent-insurance company that respondent No.1 was not holding a valid driving license, it was held by the MACT that respondent No.3 would pay the compensation to all the claimants in equal shares on behalf of respondents No.1 and 2 as indemnifier.

9. I have heard learned counsel for the parties.

10. Learned counsel for the appellants submits that the MACT erred in assessing the income of the deceased on the lower side. Learned counsel for the appellants submits that the compensation deserves to be enhanced in view of the principles laid down by the Hon'ble Supreme Court in the cases of ***National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680**, ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121** and ***Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 130**. Learned counsel submits that future prospects was not granted in terms of the judgment of the Supreme Court of India in ***National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009*** and the same needs to be added to the income of the deceased @ 50%, he being a salaried employee**.** Still further, learned counsel submits that compensation on account of loss of estate and filial consortium also deserves to be granted in terms of the law laid down by the Hon'ble Apex Court. It has been submitted that the same would be @ Rs.48,400/- for each dependant (for the father and the mother).

11. On the contrary, learned counsel representing respondent No.3-insurance company submits that since the deceased was a bachelor, the MACT while computing loss of dependency erroneously deducted personal expenses as 1/3$^{rd}$ of the assessed income of the deceased, whereas it should have been 1/2 of the assessed income of the deceased.



12. I have considered the submissions made by learned counsel for

the parties.

13. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. The monthly income of the deceased was assessed as Rs.22,763/- per month. However, while assessing the income of the deceased, the MACT did not add future prospects to the assessed income of the deceased in terms of the law laid down in the case of **Pranay Sethi** (supra). Under the circumstances, future prospects @ 50% also deserve to be added to the assessed income of the deceased. Further, a sum of ₹48,400/- to each of the claimants is required to be awarded on account of filial consortium. It is an admitted fact that the deceased was a bachelor at the time of accident and as such, deduction of 1/2 of the assessed income would have to be made on account of personal expenses instead of 1/3rd as assessed by the MACT.

14. Having considered the submissions made by learned counsel for the parties, the compensation is assessed as under, keeping in mind the principles enunciated by the Hon'ble Supreme Court of India:-

| Sr. No. | Heads of Claim | Awarded by the MACT | Enhanced Compensation |
|---|---|---|---|
| 1. | Age of the deceased | 28 years | 28 years<br>(No change) |
| 2. | Income of the deceased | Rs.22763/- | Rs.22763/-<br>(No change) |
| 3. | Future Prospects @ 50% | Not granted | Rs.11381.5<br>Rs.22763+11381.5<br>=Rs.34,144.5 |
| 4. | After deducting 1/2 of the income as personal expenses of the deceased | Rs.15175.34 p.m. (after deduction of 1/3rd of Rs.22763/-)<br>Rs.1,82,104.08 per annum | Rs.17,072.25/- p.m. X 12<br>=<br>Rs.2,04,867 per annum |
| 5. | After applying Multiplier of '17' | Rs.1,82,104.08/- x 17<br><br>Rs.30,95,769.36/- | Rs.2,04,867 X 17<br>**Rs.34,82,739/-** |
| 6. | Loss of Estate | Rs.15000/- | Rs.18150/- |
| 7. | Funeral Expenses | Rs.15000/- | Rs.18150/- |

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| | | | |
|---|---|---|---|
| | | | |
| 8. | Loss of consortium | Rs.40000/- | Rs.96800/- (Rs.48400/- each) |
| | **Total Compensation** | **Rs.31,65,767.36/-** | **Rs.36,15,839/-** |

The total compensation, therefore, comes to Rs.36,15,839/-. After deducting a sum of Rs.31,65,767.36 as assessed by the MACT, the balance compensation comes to Rs.4,50,071.64/- rounded off to **Rs.4,50,100/-**. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

14. The present appeal is accordingly disposed of.

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

**(VIKRAM AGGARWAL)**
**JUDGE**

**December 02, 2025**
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No