IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1614-2025 (O&M)
Date of Decision: 10.12.2025

Parmila Devi and others ....Appellants

V/s

Ajay Pandit and others ….Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sagar Aggarwal, Advocate, for the appellants.

Mr. Vishwajit Bedi, Advocate,
for respondent No.3-insurance company.

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VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Karnal (for short 'the MACT') vide award dated 21.01.2025 passed in a claim petition instituted by them under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') on account of death of Kunal Kumar in a motor vehicular accident which took place on 09.01.2021. The claimants are parents and brothers of deceased Kunal Kumar.

3. The case of the claimants was that on 09.01.2021 at about 2.00 p.m., Kunal Kumar was standing near his scooty. It was averred that he was standing on the left hand side of the road on its Kacha portion near Veer Rice Mills, G.T. Road, Gharaunda. In the meantime, a Truck bearing Regn. No.HR-74-A-3791 (hereinafter referred to as "the offending vehicle") came from Anaj Mandi Gharaunda side in a rash and negligent manner, being driven by respondent No.1 (Ajay Pandit) and hit Kunal Kumar. As a result of same, Kunal Kumar received serious and multiple injuries and fell on the

road. The said accident was witnessed by one Pankaj Kumar, who, at that time, was going Kasba Gharaunda side to Karnal side on his three wheeler. Kunal Kumar was taken to Dua Super Specialty Hospital, Karnal, but he expired due to the injuries received in the accident (hereinafter referred to as "the deceased"). The matter was reported to the police and FIR No.0021, dated 09.01.2021 was registered at Police Station Gharaunda, under Sections 279, 283 and 304A IPC against the driver of the offending vehicle.

4. It was averred that the deceased was 28 years old and was working in the office of BDO Gharaunda, District Karnal and was getting monthly salary of Rs.40,000/-. Accordingly, a sum of Rs.1 crore was claimed as compensation.

5. The driver and owner of the offending vehicle appeared and filed their joint written statement and denied the factum of the accident.

6. The insurance company raised its usual defences in the written statement and denied the factum of the accident.

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

> ***"1. Whether the accident in question took place on 09.01.2021 in the area of P.S. Gharaunda on account of rash and negligent driving of offending vehicle bearing Regn. No.HR-74-A-3791 by respondent No.1 resulting into death of Kunal Kumar?OPP***
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> ***2. If issue No.1 is proved whether the claimants are entitled to any compensation, and if so, how much and from whom?OPP***
>
> ***3. Whether the respondent No.1 was not holding a valid and effective driving licence and vehicle was being plied in contravention of the terms and conditions of the insurance policy?OPR (3)***
>
> ***4. Relief."***

8. Parties led their respective evidence.

9. After considering the evidence led on the record of the case, a finding was recorded by the MACT that the accident as a result of which Kunal Kumar had expired had taken place on account of rash and negligent

driving of the driver of the offending vehicle. The age of the deceased was assessed as 29 years. His income was assessed as Rs.33,500/- per month and after deducting the tax component, his income was assessed as Rs.32,866/- per month (Rs.3,94,400/- per annum). The following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	29 years
2.	Income of the deceased	Rs.3,94,400/- per annum
3.	Future prospects @ 40%	Rs.1,57,760/- per annum (Annual Income Rs.5,52,160/-)
4.	After deducting ½ of the income as personal expenses of the deceased	Rs.2,76,080/-
5.	After applying Multiplier of '17'	Rs.2,76,080/- x 17 =Rs.46,93,360/-
5.	Funeral expenses	Rs.15000/-
6.	Loss of consortium	Rs.40000/-
7.	Loss of Estate	Rs.15000/-
7.	**Total Compensation**	**Rs.47,63,360/-**

10. I have heard learned counsel for the parties.

11. Learned counsel for the appellants submits that the compensation deserves to be assessed 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 the deceased was only 29 years old and was working in the office of BDO Gharaunda, District Karnal. His salary was increased from time to time. As such, any computation as regards future prospects below 50% would result in under compensation. He contends that future prospects should have been granted by the MACT in terms of the law laid down by the Hon'ble

Supreme Court of India in the case of ***Pranay Sethi*** (supra). Future prospects @ 50% needs to be added in the income of the deceased. He submits that if future prospects @ 50% is added to the income of the deceased (Rs.32866/- per month after deducting tax component) as assessed by the MACT, the annual income of the deceased would come to **Rs.5,91,600/-** per annum i.e. Rs.3,94,400/- + Rs.1,97,200/- (@ 50% future prospects). As regards claim of filial consortium, it has been submitted that the same would be @ Rs.48,400/- for each dependant. Compensation under conventional heads i.e. for loss of estate and funeral expenses should also be increased to Rs.18150/- under each head.

12. Mr. Vishwajit Bedi, Advocate has put in appearance on behalf of respondent No.-3-insurance company and has filed his power of attorney, which is taken on record. He submits that the compensation awarded by the MACT is adequate. He submits that since the deceased was not a permanent Govt. employee, future prospects @ 40% was rightly computed by the MACT.

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

14. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. It is not in dispute that Kunal Kumar was working in the office of BDO, Gharaunda, District Karnal under the Scheme of Haryana State Rural Livelihood Mission. His monthly income was assessed by the MACT as Rs.32,866/- (after deducting tax component). His salary was also proved to be revised from time to time. His age was also duly proved as 29 years. Learned counsel for the respondent-insurance company has not been able to point out that the deceased was not under stable employment. Had the deceased

survived, he would have earned annual increments, promotions and other inflationary linked adjustments. Under the circumstances, in terms of the law laid down in the case of **Pranay Sethi** (supra), future prospects @ 50% deserve to be added to the assessed income of the deceased. Further, a sum of Rs.48,400/- to each of the claimants is required to be awarded on account of filial consortium. Still further, for funeral expenses and loss of estate, Rs.18,150/- for each head was also required to be awarded.

15. 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	29 years	No change
2.	Income of the deceased	Rs.3,94,400/- per annum	Rs.3,94,400/- (No change)
3.	Future prospects @ 40%	Rs.1,57,760/- per annum (Total Income Rs.5,52,160/-)	Rs.3,94,400+ Rs.1,97,200/- (future prospects @ 50%) (Annual Income Rs.5,91,600/-)
4.	After deducting ½ of the income as personal expenses of the deceased	Rs.2,76,080/-	Rs.2,95,800/-
5.	After applying Multiplier of '17'	Rs.2,76,080/- x 17 =Rs.46,93,360/-	Rs.2,95,800/- x 17 =Rs.50,28,600/-
6.	Funeral expenses	Rs.15000/-	Rs.18150/-
7.	Loss of consortium for parents and three brothers	Rs.40000/-	Rs.2,42,000/- (Rs.48,400/- x 5)
8.	Loss of Estate	Rs.15000/-	Rs.18150/-
	Total Compensation	**Rs.47,63,360/-**	**53,06,900/-**

The total compensation, therefore, comes to Rs.53,06,900/-. After deducting a sum of Rs.47,63,360/- as assessed by the MACT, the balance compensation comes to Rs.5,43,540/- 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.

16. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

December 10, 2025
vcgarg

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No